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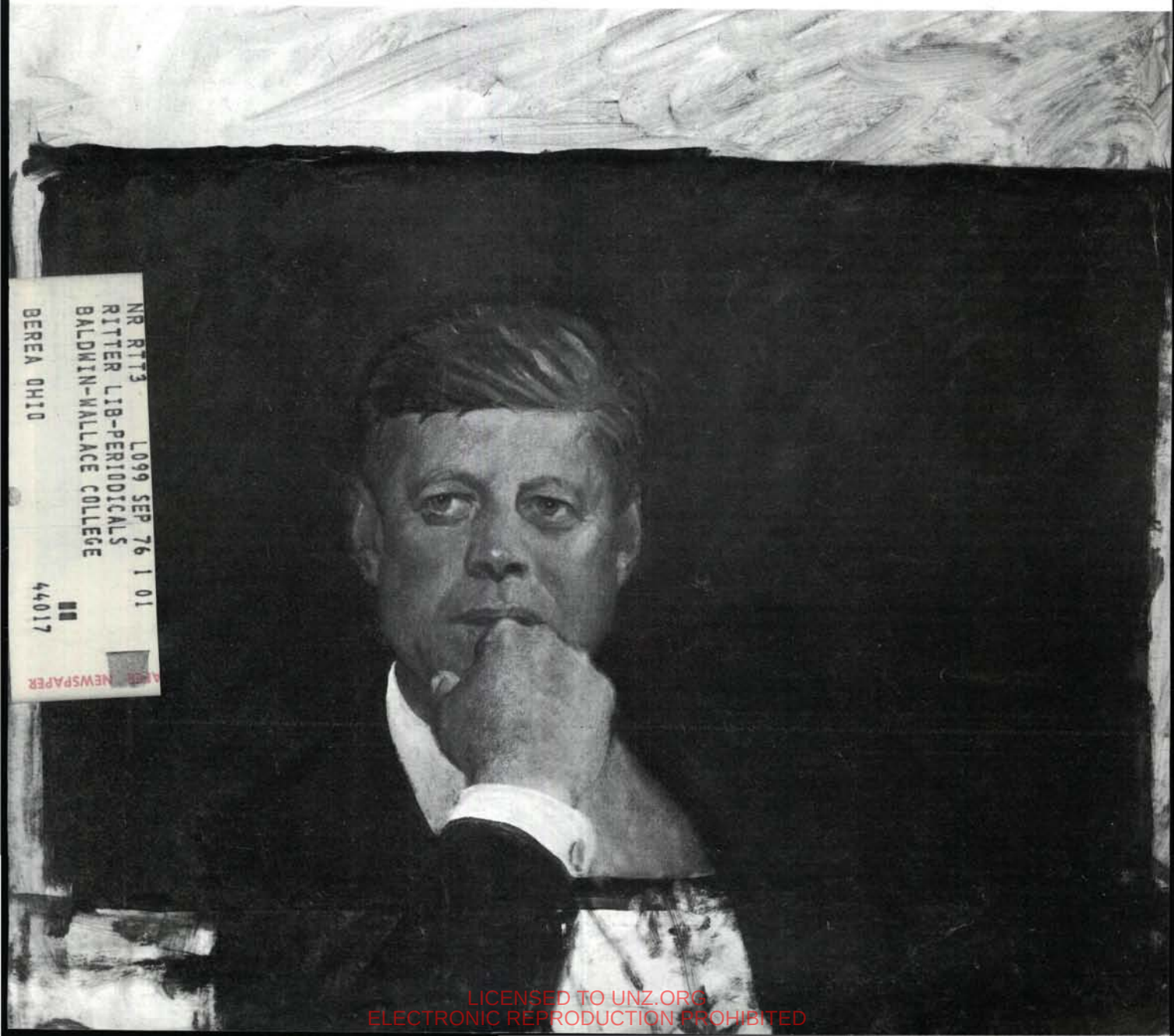
A Report by Tad Szulc

The Warren Commission in its Own Words

THE NEW REPUBLIC

A Journal of Politics and the Arts—September 27, 1975, 50 cents



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TRB

from Washington ®
September 27, 1975

Grim Screeching

You go into room E.F. 100 (US Capitol), which has a parquet floor, limestone walls, Corinthian pilasters and a chandelier as big as a refrigerator, and, there about 40 reporters are jammed around a long oval table with klieg lights, at one end of which sits Mrs. Alice Rivlin. She has a mobile, eager, smiling face. She tells you that the country is pulling out of the worst recession since the 1930s, but that it will be stuck with unemployment and high prices for years.

In the atmosphere of the Washington economic debate where the two sides are probably as far apart as they have been since the days of Herbert Hoover, Mrs. Rivlin, mother of three, Harvard PhD, a surprisingly girlish-looking 44, is no more incongruous than some of the conservatives around President Ford or the statements that he and they have been making. Mrs. Rivlin, who was out bicycle riding in Rock Creek Park the other day, is the $40,000-a-year director of the new Congressional Budget Office that is the legislative counterpart to the President's Office of Management and Budget. Let's see. A stage prop of the affair is an enormous pair of swinging doors that screech eerily when they move like the gruesome sound at the beginning of a radio mystery.

But the echo of this affair goes far beyond the hearing room out into national and, in fact, international debate. The free world's economy is sick and won't get well until the United States' does. France, Germany, Japan have all recently decided on big billion dollar emergency boosts in government spending to stimulate the economy, and the director of the International Monetary Fund urges the United States to consider the same. The administration recoils. "Spend more?—We have already done too much," says Treasury Secretary William Simon, echoed by Alan Greenspan, Mr. Ford's principal economic adviser.

There is a certain Calvinistic simplicity about it, our original sin is governmental deficits: "The financial sins of a decade cannot be forgiven by one day of penance," says Simon with what, I swear, sounds like sacerdotal relish. Trim expenditures, he urges. The food stamp program is "a well-known haven for chiselers and rip-off artists."

President Ford tells an audience of wildly cheering Republican women at Dallas that the trend to social spending must be reversed. Like a rather mild-looking Zeus holding a clutch of thunderbolts, he promises to hurl veto after veto at spending bills. He will find "a better way" to provide "quality education" than court-enforced busing, not mentioning that he recently vetoed a $7.9 billion aid bill for elementary and secondary schools, which Congress overrode by large margins. (His thunderbolt is revocable by two-thirds vote.)

In fairness to President Ford and his team, there is a very real and sincere division among economists over the present economic mess. In Hoover's day the original debate was whether there was a slump at all; today everybody acknowledges there is a slump and inflation at the same time; indeed, almost everybody acknowledges that the slump has probably hit bottom and that recovery has begun. The question is, how long will recovery last—will it be aborted? The debate is almost as sharp and contradictory as in the '30s.

Mrs. Rivlin's economic team has prepared a 65-page report, the second compiled at the request of Sen. Muskie, chairman of the new Senate Budget Committee, this one on *Recovery: How Fast and How Far?* Mrs. Rivlin begins her explanation in a low clear voice: "We are pulling out of the worst recession since the 1930s; the question is not whether the economy will recover but how far?" Her answer is sibylline: "The outlook for the short run is very strong; the long run is not so certain—nobody really knows." She adds that "to sustain a rapid recovery something else must happen, more housing, more automobile sales, more spending on capital goods—we don't see that yet." And she warns that the nation's recent surge in prices is particularly alarming because it is largely concentrated on necessities—food and fuel; people must buy those; if continued it could trigger another round of large wage increases spinning the inflationary spiral even higher.

On the same day, a week ago, *Newsweek, The Wall Street Journal, Time, The New York Times, The National Observer*, all had anxious discussions of whether the recovery would last, and, in spite of good short-term news, the stock market dropped. So that brings us back to the difference of opinion about what should be done; one of the sharpest economic and political arguments of modern times, the resolution of which may decide the next economic phase of the United States and the free world.

One side wants expansionary monetary and fiscal policies (tax and spending) lacking which, it warns, the recovery may falter. The other side (Ford *et al*) will not even concede that the expansionary eight-billion-dollar stimulative tax cut should continue.

One side links inflation to external forces: food (high grain prices from sale to Russia without adequate safeguards) and fuel (the oil cartel, likely to jack up prices still higher this fall.) The other side relates inflation to excess demand, stemming back in part to profligate social welfare legislation.

Congress says the slump caused the deficit (loss of taxes, and costs of unemployment insurance). The other side says the deficit caused the slump; unbalanced budgets produced boom and collapse.

Liberal academic economists like Walter Heller, Paul Samuelson, Otto Eckstein, can hardly endure the administration plea for reduced taxes on corporations; they charge that some corporations are now freezing prices, although 30 percent of American plant capacity is idle and the country is losing $250 billion annually in production. Similarly Congress wants to spend less on arms, but Ford looks indulgently at this expenditure, biggest in the budget.

Mrs. Rivlin prepares to return to her office, which has been reconstituted, quaintly enough, from the barroom of an old hotel on Capitol Hill. She has tried to remain neutral as she presents closely calculated projections for two rival scenarios, one for expansion, one for contraction—warning that in either case serious unemployment will probably continue.

We depart in subdued mood. The anxious debate continues; the doors screech grimly on their hinges.

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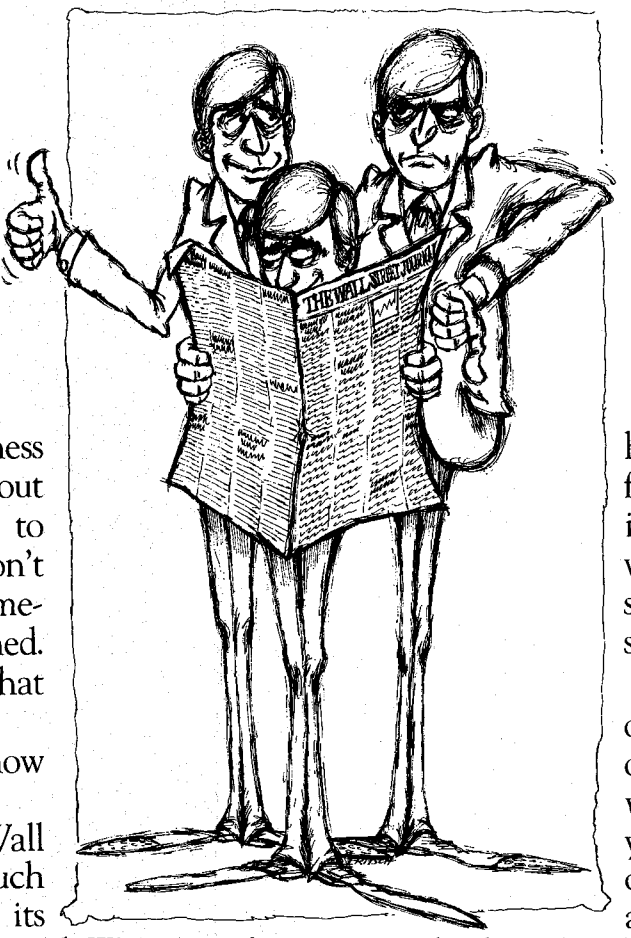
There are three sides to every question: the pro side, the con side and the inside.



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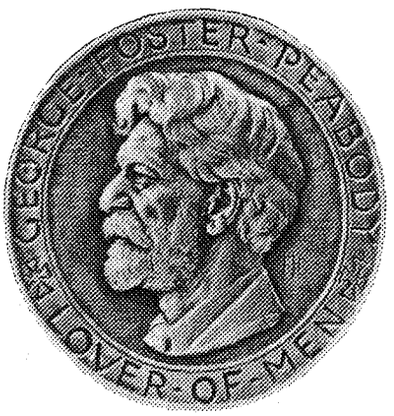

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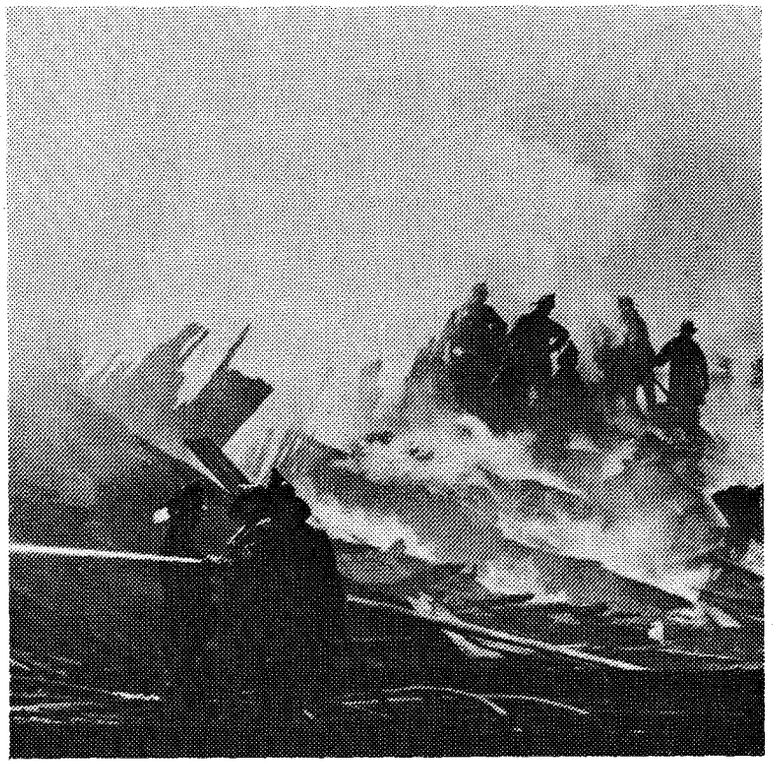

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The Ghost Will Not Rest

The Warren Commission, appointed by President Johnson to investigate the assassination of his predecessor, John F. Kennedy, finished its study and published its 27-volume report 11 years ago this week. Claiming that it and its staff had examined all available evidence and leads, the Commission concluded that Lee Harvey Oswald, psychologically troubled and acting alone, had killed the President. It also found, then, nothing to support the hypothesis of a conspiracy to assassinate Kennedy. In this, its considered judgment was fully consistent with that of the FBI and other intelligence agencies.

The Commission, composed of seven politically eminent and powerful men, hoped that the results of its deliberations would be accepted by the American people as the full and final truth. But a shadow of doubt has always hung over the investigation: the murders of Martin Luther King, Jr. and President Kennedy's brother Robert in 1968, even the attempted assassination of Gov. George Wallace, fed the suspicions. Though not in the context of the Kennedy assassination, various revelations implicating both the FBI and the CIA in criminal activity, on their own and in association with gangsters, fired the imagination of the doubters. During the last decade, moreover, a cohort of "assassination buffs" has developed a body of material poking holes in the Commission's work here, establishing alternative explanations there. The ghost of John Kennedy, it seems, simply will not rest.

Gradually the National Archives declassified and made available to public scrutiny a mass of Warren Commission raw materials that are not part of the original report; the most interesting of these items were released last March and April. What is in the Archives has received far less attention than it deserves. The mass of information does not in itself refute the Commission's ultimate judgment about Oswald's responsibility for the crime. We do not have suppressed evidence pointing to another killer.

Nonetheless the materials we have examined point to a hitherto unrevealed, but tortured and antagonistic relationship between the Commission and the FBI. This 10-month struggle, the study below indicates, gravely distorted the investigation in various ways. Only now, for example, do we know that the FBI concealed from the Commission that 10 days before the assassination Oswald wrote the

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Study for Portrait of President John F. Kennedy by Aaron Shikler, Courtesy of Davis and Long Company, New York.

bureau threatening to blow up the Dallas police station. Not only did the FBI fail to inform the Commission, but it destroyed Oswald's letter.

Moreover the Commission's published record is not a complete and accurate account of what the Warren panel had been told. A case in point is the sketchy and ambiguous quality of its inquiry into the life and associations of Jack Ruby, the presumed assassin's killer. We have not tried to follow this tantalizing trail. Among the documents now available, however, are the bulk of the transcripts of the panel's executive sessions. Two of these transcripts remain classified, inevitably raising corrosive but reasonable speculation as to why any transcripts of a Commission, which concluded the assassin to be a disturbed individual uninvolved with political conspiracies or government agencies, need be kept secret at all. But what we have read constitutes an internal history of the Warren Commission, its ambivalences and torments, its outrage at being stampeded into preordained judgments—and *this* is disturbing enough.

We asked Tad Szulc, one of our contributing editors, to do his own report on these transcripts. We devote the bulk of this expanded issue of *The New Republic* to his analysis and annotated text of the Warren Commission proceedings and related matter from the Archives. That is followed by a postmortem on the Commission by Associate Editor Eliot Marshall, based on interviews with some of the surviving principals. All of this makes, we think, gripping reading. We understand that the words of the Commissioners, self-assured men of the world involved in what may have been the most traumatic undertaking of their careers, are likely further to undermine public confidence in their work.

The question is, then, whether the investigation should be reopened now. It is possible, though, that the trail is now already cold, covered over by death and history and the contrivances of men anxious to protect their professional reputations or perhaps even to disguise their complicity in the great crime.

We would feel more comfortable if we were certain that following the injunction of Justice Brandeis—to pursue "truth even unto its innermost parts"—would at this late date be a very rewarding undertaking. It may well be that others, ferreting out stray and fugitive clues, will be persuasive that another inquiry is absolutely essential. There are many responsible people, in public life and out—some with relevant information and others with intuition—who are convinced that a fresh investigation is called for. If this were clearly to meet the claims of justice and conscience, we would be eager that it happen. Perhaps those claims are now so great that only a new examination of the case will satisfy the American people. But nations, like individual men and women, must learn to live with mystery and doubt, which means also that sometimes the most terrible truths are beyond knowing.

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The Warren Commission In its Own Words

by Tad Szulc

Exactly 11 years ago—on September 27, 1964—the President's Commission on the Assassination of President John F. Kennedy issued its final report, concluding that Lee Harvey Oswald was the assassin, that he acted alone rather than as part of a conspiracy, and that there never had been any link between him and his killer, Jack Ruby. After nearly 10 months of intense labor, however, the Commission, presided over by the Chief Justice of the United States, Earl Warren, was unable to come up with a motive for the Dallas assassination. Its principal conclusion: "Many factors were undoubtedly involved in Oswald's motivation for the assassination, and the Commission does not believe that it can ascribe to him any one motive or group of motives."

We still really do not know what happened in Dallas on Friday, November 22, 1963. Throughout the past decade, increasing doubts have been raised about the validity of the conclusions reached by the Warren Commission. Innumerable theories have been constructed concerning Oswald, Ruby, their possible relationship, the likelihood of conspiracies, the possibility that the Oswald arrested in Dallas was not the "real" Oswald, that there may have been more than one assassin, and so on. Allegations have been made that the CIA and/or the FBI had participated in or covered up an assassination plot. As recently as last June, the Rockefeller Commission, investigating the CIA's domestic activities, felt obliged to assert that "there was no credible evidence of any CIA involvement."

There are serious reasons to question not only the Warren Commission's conclusions, but, more importantly, the quality and integrity of the entire investigation as it was carried out between December, 1963 and September, 1964 by the seven Commissioners, carefully chosen for political balance and reputation: Chief Justice Warren, Sen. Richard Russell (D, Ga.), Sen. John Sherman Cooper (R, Ky.), Rep. Gerald Ford (R, Mich.), Rep. Hale Boggs (D, La.), former CIA Director Allen W. Dulles, and John J. McCloy, a leading New York corporate attorney. Of the group, four are now dead: Warren, Russell, Boggs and Dulles. Ford is President of the United States. On September 5, a gun was pointed at him.

If the investigation was as inadequate and incompetent as is suggested by the Commission's own internal documents, once Top Secret and now declassified, it *is* legitimate to question the specific conclusions of the report.

The transcripts of the Commission's executive sessions, staff memoranda (including the highly revealing transcript of a session with a panel of psychiatrists), and other internal documents reveal the Commissioners to be consumed by doubts and fears; troubled by their own ignorance; suspicious of the investigatory work performed for them by the FBI and the CIA; lacking clear direction; worried about a competing inquiry in Texas; and finally suffering from a stunning lack of confidence in their own ability to produce a report that would be credible to the American people, the world and, for that matter, credible to themselves.

The fear of being disbelieved and of being trapped into endorsing the prefabricated conclusions of the FBI and other intelligence agencies—whose instinct to protect themselves was already apparent—is a constant theme running through the Commission's secret deliberations. Anxiety was their leit-motif, concealed, to be sure, in the final published report. Unable to disprove that there may have been a conspiracy, the Commission supported the FBI conclusion that Oswald was the lone assassin. The book was to close the case and be its official history, or so it was thought.

The Commission, as it turns out, was justified in suspecting the FBI. Only this month FBI Director Clarence Kelley admitted that an important piece of evidence—a hand-delivered letter to the FBI from Oswald 10 days before the assassination threatening to blow up the Dallas police station—had been withheld and then destroyed. What else, one has a right to ask, was withheld and destroyed?

The Commission transcripts and ancillary material do more than paint a vivid portrait of uncertain and confused men. They show that a series of critical facts, decisions and judgments have been kept away from the American people. Here are highlights culled from a study of the 13 transcripts of the Commission's executive sessions:

• Keenly aware of domestic political considerations, Warren was determined to complete the investigation before the onset of the 1964 presidential campaign in which Lyndon Johnson would seek election in his own right. On January 21, 1964 he told the Commission: "I think if this [the work on the report] should go along too far and get into the middle of a campaign year it

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would be very bad for the country to have this thing discussed at that particular time." The Commission then decided to set a secret June 1 target date. This alone discredits the claims of the Commission that, indifferent to extraneous pressures, it was interested only in the truth of what happened in Dallas.

• Warren's initial position was that the Commission needed no investigators of its own, no subpoena power to call witnesses or obtain materials, and no power to grant immunity from prosecution. His concept was that "our job here is essentially one for the evaluation of gathering evidence . . . We can start with the premise that we can rely upon the reports of the various agencies. . . ." Led by Sen. Russell, however, the Commission overruled Warren on subpoenas. But it never really freed itself from the informational monopoly held by these agencies, and particularly the FBI. The Commission—and Deputy Attorney General Nicholas Katzenbach—were convinced from the outset that the FBI was deliberately leaking information to the press to construct the anti-conspiracy case rapidly and decisively in the public mind; moreover, the Commission privately accused the FBI of attempting to impose its own anti-conspiratorial conclusions on the presidential panel. On January 22, J. Lee Rankin, the Commission's general counsel, exploded in sarcastic anger against the FBI's insistence that there was no conspiracy and that Oswald was the assassin. He said: "They would like to have us fold up and quit . . . They found the man [Oswald]. There is nothing more to do. The Commission supports their conclusions, and we can go on home and that is the end of it." The Commissioners' suspicion, of course, was that the FBI, which had failed to inform the Secret Service and the local police of Oswald's presence in Dallas prior to Kennedy's visit, could not tolerate evidence of conspiracy. As a former defector to the Soviet Union and self-proclaimed Marxist and supporter of the Cuban revolution, Oswald, in the Commission's view, should have been placed on the Secret Service list of persons dangerous to the President. Likewise, the evidence shows that the FBI was aware of Oswald's mental condition, having previously interviewed him and his wife.

• The Commission seemed terrified of FBI Director J. Edgar Hoover. After receiving in secret session information from Texas officials that Oswald might have been an FBI undercover informer, the Commission spent four months debating just how to approach Hoover for a denial that would convince the public. A formal statement by Hoover was not deemed sufficient. Paradoxically, the Commission feared that Hoover might feel that *he* was being investigated.

• Allen Dulles cautioned the Commission that Hoover might lie if Oswald was, indeed, an FBI informer. He confessed to his colleagues that during his tenure as CIA director he would lie under oath to everybody except the President of the United States if he thought it was in the national interest or in the interest of the agency.

• Rep. Ford provoked a near-uproar in the panel when, on June 4, he charged that outside forces were trying to pressure the Commission to decide in advance that Oswald was a solitary assassin. In December, "Mr. Katzenbach wrote and asked [for] . . . a statement to the effect that there was no foreign involvement, there was no conspiracy . . . a growing volume now . . . with the same intent . . . I have come to no specific conclusion yet." A month later, with but one executive session held in the interim—its contents are still classified—members of the Commission were meeting with psychiatrists in an effort to construct a psychological portrait of Oswald as murderer.

• The psychiatrists' panel told the Commissioners that Oswald might not have assassinated Kennedy if Marina, his wife, had treated him with kindness on the eve of the murder. The psychiatric hypothesis was that Marina unwittingly triggered Oswald's disturbed personality into his criminal act. This was as close as the Commission could have come to fixing on an assassination motive, but it shied away from it in the report.

The transcripts, so reflective of the age of American innocence that died with John Kennedy, are stark drama. The Commissioners are seized with doubts about the probity of the FBI, whose reputation had rarely been questioned in the past. Justice Warren recoils at the idea of reproducing the gruesome photographs of Kennedy's autopsy reports. A staff memorandum tells the Commission that if certain rumors about the assassination—the possibility of a foreign conspiracy—are not quelled, they "could conceivably lead the country into a war which could cost 40 million lives." So there was cold fear both of global catastrophe and domestic turmoil pervading the Commission's work as it peered into the unknown.

Also there were grotesque touches. John J. McCloy, for example, was continually telling the Commission that he had to catch a plane to London or Brazil and would have to be excused. Boggs found it difficult to attend a session because a new governor was being elected in Louisiana. Ford missed the April 30 session altogether because he was in Michigan on political business. Even at its second session, the Commission lacked a copy of the Executive Order establishing it: Warren had to use a clipping from *The Washington Post*. The Commission worried at length about such prosaic matters as parking space near its Maryland Avenue headquarters in Washington, the possibility of borrowing clerical help from other government agencies so that it would not have to pay salaries, and the minimum number of copies of the report to be printed at the least possible cost. As a money-saving device, Dulles proposed at one point that the Commission hire a CIA secretary who was on maternity leave. Many casual remarks show how much the Commission was an expression of the American establishment; its members

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understood each other. When the name of William T. Coleman, a Philadelphia lawyer, came up for a staff appointment, General Counsel Rankin explained, in the language of another day, that "he is a colored man." (In 1975, President Ford named Coleman to be Secretary of Transportation.)

The Warren Commission was appointed by Executive Order 11130 on November 29, 1963. This was a few days after Johnson had encouraged Texas authorities to set up their own court of inquiry—as much as anything else to clear the name of Texas in the Kennedy tragedy. Johnson may have been unaware at the time that by setting in motion two parallel investigations, he was inviting rivalries that, in the long run, complicated the overall investigation effort. For a time, the Warren Commission and the Texas court of inquiry, unbeknownst to the public, were not even on speaking terms. Today, Texas officials still feel that, for the sake of the ultimate result, and given leads they wanted followed up, they should not have been completely excluded from the Warren Commission's work. This situation became ludicrous: for months members of the Warren Commission were afraid to go to Texas to investigate the scene of the investigation, lest they be subpoenaed by the Texas authorities.

The Warren Commission is *known* to have held 13 executive sessions between December 5, 1963 and September 18, 1964. But so much concerning the Commission's work is still wrapped in secrecy that it is possible that it met on other, unrecorded, occasions. Thus the "Inventory of the Records of the President's Commission on the Assassination of President Kennedy," issued by the National Archives in 1973, lists only *12* meetings. An emergency meeting, called by Warren in utter secrecy on January 22, 1964 to discuss information that Oswald may have been an FBI informer, is not listed by the Archives. In response to an inquiry by *The New Republic*, a spokesman explained that this transcript was "discovered" subsequently. Its "top secret" classification was lifted only on March 14, 1975. Likewise there is no actual transcript of the final September 18, 1964 session. There are, however, minutes of this meeting, which throw additional and disturbing light on the proceedings.

The National Archives began declassifying the transcripts in 1968, but the most significant ones were made available for research only in 1974 and 1975. The transcripts form a comprehensible narrative only when they are studied as a whole. This is why researchers and historians, who until recently had access only to three transcripts and one set of minutes declassified in 1968, were stymied in their efforts to produce a coherent analysis of the Commission's activities. It is necessary to study the bulk of the material—including the staff report on the meeting with the psychiatrists' panel and other internal memoranda—to be able to understand the frame of mind in which the Commissioners operated.

There still are gaps. The National Archives continues to refuse to declassify the transcripts of the May 19 and June 23 sessions. The reason given *The New Republic* for withholding the May 19 transcript was that it related to "personal and medical files and similar files," the disclosure of which would, under the provisions of the law, "constitute a clearly unwarranted invasion of personal privacy." There was no clue as to whose privacy might have been jeopardized.

In the case of the June 23 transcript, *The New Republic* was advised by letter from Jane Smith, director, Civil Archives Division of the National Archives, that it was being held back on the request of the CIA. Smith's letter said in part:

". . . The transcript of the executive session of June 23, 1964, is withheld from research under 5 USC 552 (b) (1) as amended, 'matters that are . . . specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.' In response to a previous request for access, the transcript was reviewed by the Central Intelligence Agency because it relates to Yuri Nosenko, the Soviet defector. In response to our request for a review of the transcript the CIA asked that the request for access be denied 'in order to protect sources and methods and other information related to our operational equities.' The CIA further stated that the transcript warranted classification at the 'Confidential' level under the criteria of Executive Order 11652 and exemption from the general declassification schedule pursuant to section 5 (b) (2) and (3) of the Order. . . ."

Yuri Ivanovich Nosenko, identified in internal Commission documents as a KGB official who defected from the Soviet Union in 1964, provided both the FBI and the CIA with a certain amount of information concerning the period Lee Harvey Oswald, himself a defector, spent in the Soviet Union, between 1959 and 1962. It should be noted however, that, to the end, the Warren Commission remained dissatisfied with the information it could obtain about Oswald's stay in Russia. However, an internal Commission memorandum, dated June 24, 1964, makes this point:

". . . Most of what Nosenko told the FBI confirms what we already know from other sources and most of it does not involve important facts, with one extremely significant exception. This exception is Nosenko's statement that Lee Harvey Oswald was never trained or used as an agent of the Soviet Union for any purpose and that no contact with him was made, attempted or contemplated after he left the Soviet Union and returned to the United States. Nosenko's opinion on these points is especially valuable because, according to his own testimony at least, his position with the KGB was such that had there been any subversive relationship between the Soviet Union and Oswald, he would have known about it.

Nosenko's statement to the FBI confirms our information from other sources in the following respects:

Prior to Oswald's arrival in Russia in the fall of 1959 he had no contacts with agents of the Russian government or of the International Communist party who were in turn in contact with

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the Russian government. (Our independent sources on this are extremely weak, however. We simply do not have much information on this particular subject.) . . .

. . .Nosenko was shown certain portions of our file on Oswald, including a section which stated that Oswald received a monthly subsidy from the Soviet Red Cross. On seeing this statement, Nosenko commented that it is normal practice in the Soviet Union to make payments to emigres and defectors in order to assist them to enjoy a better standard of living than ordinary Soviet citizens engaged in similar occupations. (Nosenko also said that the subsidy Oswald received was probably the minimum given under such circumstances. This is news to us, although it is not inconsistent with other information we have.)

Oswald was in possession of a gun which was used to shoot rabbits while he was living in Minsk. (Nosenko said he learned this upon reviewing Oswald's file after the assassination of President Kennedy when, under the circumstances, he took particular note of this fact.) . . .

. . . The KGB in Moscow, after analyzing Oswald through various interviews and confidential informants, determined that Oswald was of no use to them and that he appeared 'somewhat abnormal.' . . ,

. . . Shortly after the assassination, Nosenko was called to his office for the purpose of determining whether his department had any information concerning Oswald. When a search of the office records disclosed that information was available, telephone contact was immediately made with the KGB branch office in Minsk. The branch office dictated a summary of the Oswald file to Moscow over the telephone. This summary included a statement that the Minsk KGB had endeavored to 'influence Oswald in the right direction.' This statement greatly alarmed the Moscow office, especially in view of their instructions to Minsk that no action was to be taken on Oswald except to 'passively observe' his activities. Accordingly, the complete Oswald file at Minsk was ordered to be flown at once via military aircraft to Moscow for examination. It turned out that all this statement referred to was that an uncle of Marina Oswald, a lieutenant colonel in the local militia at Minsk, had approached Oswald and suggested that he not be too critical of the Soviet Union when he returned to the United States. . ."

Inasmuch as the above staff memorandum, written the day after the Commission held its secret meeting on June 23, covers most of the material discussed by the Commissioners, it remains unclear why the actual Commission transcript remains classified. It does, of course, help to build the FBI's and the CIA's no-conspiracy case, but in this instance the intelligence agencies evidently preferred to conceal their information sources and methods. Interestingly Nosenko is not even mentioned in the published Warren report.

In any event, it is unknown what else the National Archives has withheld. The Kennedy records add up to 360 cubic feet of material. Much of it remains uncataloged in the public inventory. According to Sen. Richard S. Schweiker (R, Pa.), 152 Warren Commission items still remain classified in the Archives, including 107 FBI and 23 CIA documents.

The Documents

Even the available Warren Commission transcripts have gaps in them. There are portions of the discussion, often just as sensitive and provocative matters are being raised, when the Commissioners decided to go "off-the-record" and the official court reporter stopped taking notes. One does not know how long these discussions took or what they covered. This material is beyond retrieval.

In addition to the executive sessions and special staff meetings, the Commission took direct testimony from 94 witnesses, including President and Mrs. Johnson; Mrs. John F. Kennedy; Secretary of the Treasury C. Douglas Dillon (in whose department resides the Secret Service); Secretary of State Dean Rusk (whose department handled Oswald's passport problems during his Soviet sojourn); FBI Director Hoover; CIA Director John A. McCone and his deputy, Richard M. Helms; Texas Attorney General Waggoner Carr; Secret Service Chief James J. Rowley; Mrs. Marina Oswald (Oswald's widow); Mrs. Marguerite Oswald (Oswald's mother); and Jack Ruby, the man who killed Oswald in the Dallas police station on November 24. The staff interviewed 395 other witnesses. However, the Commission apparently disregarded the recommendation of Texas Attorney General Carr that all FBI and CIA agents who were in the Dallas area in the period immediately before and following the Kennedy assassination be interviewed as well. Carr's written recommendation to General Counsel Rankin was based on the long-held suspicion that Oswald may have been employed by either the CIA or the FBI. What follows is an annotated chronology of the Warren Commission's executive sessions, including the lengthy meeting between two of the Commissioners, staff members and a panel of three psychiatrists.

The Commission Meeting of December 5, 1963

This was the organizational meeting of the Commission at the National Archives. The Commission had no staff and no quarters of its own; the principal object of the session was to organize the

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investigation. Yet, the first insights into the thoughts of the seven men began emerging quickly, almost as soon as the chairman called the session to order. What preoccupied the Commission from the outset was its historic responsibility, its relations with the FBI and the Justice Department, and the sensitive problem of how to deal with the rival Texas inquiry. Katzenbach, the Deputy Attorney General, was present a part of the time to advise the Commission. This is how Warren launched the Commission:

Chairman: Gentlemen, this is a very sad and solemn duty that we are undertaking, and I am sure that there is not one of us but what would rather be doing almost anything else that he can think of than to be on a commission of this kind. But it is a tremendously important one. The President, I am sure, is right in trying to make sure the public will be given all of the facts of this sordid situation . . . .

Warren went on to suggest, however, that the Commission refrain from hiring its own investigators or obtaining subpoena powers. His colleagues, concerned about their credibility, thought this too self-limiting and made it clear that the Commission should have subpoena powers. They were worried, though, that their investigation might improperly interfere with Jack Ruby's murder trial scheduled for February, 1964. John McCloy summed up these problems:

Mr. McCloy: Yes. Now I have the feeling that the prestige, the standing of this Commission, everybody is looking for it to come forward promptly, with an objective comprehensive report which will lay all the dust, and right across our path is this incident of the pending murder trial . . . I have a feeling that we have another obligation than the mere evaluation of the reports of agencies, many of which as you suggested, or some of them at least, may be interested, may be involved. There is a potential culpability here on the part of the Secret Service and even the FBI, and these reports, after all, human nature being what it is, may have some self-serving aspects in them. And I think that if we didn't have the right to subpoena documents, the right to subpoena witnesses if we needed them, that this Commission's general standing might be somewhat impaired. We could use them of course with great discretion and I certainly wouldn't want them to go running around examining witnesses, but I can visualize occasionally when we will want to examine witnesses . . . .

Rep. Boggs: I think it would be a mistake if we should suddenly get to a point in the conduct of this Commission where we had to do that and all of a sudden we appear in Congress and ask for this power. If we just ask for it in the course of events of the first meeting of this Commission I think it would be well and proper . . . .

Rep. Ford: Hale, I agree with you a hundred percent. I think it would raise the stature of this Commission if this were something that we unanimously agreed upon from the outset. It would give us a standing more than what we have at the present time.

Sen. Russell: It occurs to me, since Mr. McCloy has mentioned it, it would decrease the use of self-serving conclusions if we had that power. Understand, I'm not looking for anyone, I'm not suspicious of anyone going out to cover up, but people will be writing about this thing. I told the President the other day, 50 years from today people will be saying he had something to do with it so he could be President . . . .

But Warren, still anxious to keep the Commission's work within what he considered manageable proportions, kept demurring.

Chairman: If the rest of you want the subpoena power that is perfectly all right with me, but if we have the subpoena power people are going to expect us to use it. Witnesses are going to have the right to come in and say, here, I've got this testimony, I want to give it before your committee. And if they are cranks, if they are nuts, we are in a bind because if we don't hear them at least they are going to go out and say we have suppressed the evidence on them and we only heard the things that we wanted to hear, etc.

Rep. Boggs: But Mr. Chief Justice, won't that happen whether we have the subpoena power or not?

Chairman: Well I think maybe it would to some extent, but if we're proceeding on the theory that this was a job of evaluation of evidence rather than of gathering of evidence it will enable us to go to the various agencies of the government and have these people who want to be witnesses investigated, have their testimony appraised by them and then submitted to us for evaluation. That was my thought.

Mr. McCloy: I somehow come back finally to the conviction that this is something we have to do. This Commission is going to be criticized . . . no matter what we do but I think we would be more criticized if we were simply posed before the world as something that is evaluating government agencies' reports, who themselves may be culpable. And I have a feeling that it is within the dignity of this Commission that we should have this, and if we have good counsel he can separate out the nuts from the others, and say I think you ought to talk to this man or you shouldn't talk to him . . . .

Finally, under prodding from McCloy, Ford, Boggs and Russell, the Commission passed a resolution providing for introduction of a bill in Congress that would grant subpoena powers to the presidential body. But the decision was made not to ask for the power to grant immunity to witnesses.

From the first day, the Commission was worried about the Texas court of inquiry. Warren described it as a "strange sort of institution" that in the past did not perform very admirably. Katzenbach explained that the Texas court normally holds public hearings, takes evidence, but comes to no conclusions. "Obviously in irresponsible hands" this procedure could be abused, he added.

Warren remarked that the Texas authorities had engaged among their counsel "a gentleman by the name of Jaworski" (Leon Jaworski who, 10 years later, would become the Watergate Special Prosecutor), whom he called a fine lawyer. But Warren commented that "I personally would be very happy if the state of Texas would decide not to hold any such hearings until this Commission had an opportunity to survey the situation and make its appraisal, because if there should be some irresponsible witnesses come before that Commission (in Texas) and give sensational testimony to the public, no findings that they are untrue or anything, and we would have the job of allaying the public fears that developed from that kind of testimony and I think it would be very bad indeed."

Leaks of information attributed to the FBI concerning the bureau's initial findings annoyed the Commission that first day. The Commission was still awaiting the FBI's first full report, and Sen. Russell asked acidly, "how much of their findings does the FBI propose to release to the press before we present the findings of this Commission." This was the beginning of a sub rosa, *but intense and sustained feud between the Commission and the FBI that was to*

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significantly color the ensuing proceedings. Underlining the internal frictions between the attorney general's office and the FBI (the FBI's autonomy within the Department of Justice was a traditional problem facing attorneys general), Katzenbach told the Commission that although Hoover seemed "utterly furious" about the leaks, there could be no question that information came from the bureau.

The balance of the Commission's first session was devoted to discussing the hiring of a general counsel—a number of names were suggested (McCloy said that even Thomas Dewey, the 1944 and 1948 Republican presidential candidate, would be available)—but no decision was made. Allen Dulles remarked that "I don't think it should be anybody from Texas." The Commissioners kept coming back to the problem of handling their press relations—the Commission lived in constant fear of leaks and press criticism—and, at one point, it was suggested that the FBI provide a press spokesman. The idea was quickly dropped.

Ford asked the Chairman to clarify his plans for the Commission meetings later in December because "we have a holiday season coming up, at least I have, with some family plans." McCloy asked, "Can I go to Brazil next week?" Warren suggested an afternoon meeting to keep searching for a general counsel, but McCloy could not make it. "I have this luncheon with the President, whatever it is. They made it very clear to me it was a command performance," he said. The Commission adjourned until the next day.

The Commission Meeting of December 6, 1963

Again, the Commission found itself bogging down in the problem of the Texas Court of Inquiry. Katzenbach was negotiating with Texas Attorney General Carr who had come to Washington, but whom Warren refused to see for three days, having the Texan cool his heels in his hotel room. Warren was holding out for a formal promise that the Texans would hold no hearings until the Commission completed its own investigation. There was uncertainty whether the Warren Commission could issue its report before the end of Ruby's trial, which the Chairman feared might last until May or June. The quandary was that, on the one hand, the report could prejudice a trial in progress and, on the other, that the Commission could reasonably delay finishing its work only so long. The Commission kept wondering what the FBI was doing and just how much the CIA knew about the assassination. The public was never told about the Commission's doubts concerning the FBI and the CIA. As for Allen Dulles, he emerged as an informal spokesman for the CIA, repeatedly offering his former agency's services and insisting that the FBI transmit its material to the CIA as expeditiously as possible.

Mr. Dulles: . . . We would probably want to receive from the State Department and the FBI, at some time appropriate, their reports in regard to the effect of the sad incident, abroad, the attitude taken in various countries. I was in touch with the CIA, which runs what you may call the Foreign Broadcasting Information Service, which means we intercept on a world-wide basis all the radio messages that are sent out, which include, in the case of the Soviet Union, a great deal that is published. They have collected on their own, before I spoke to them, quite a little on this, which is summarized in this pamphlet. Now, while some of those are marked Confidential and some are For Official Use Only, there is very little that is confidential, really. The only confidential thing is that we pick these messages up and do intercept them personally, but it is not advertised that this is a CIA operation. I have copies of the summary, which I can distribute to each member . . . If you don't want to keep them you can destroy them . . . .

When McCloy asked Warren whether he had communicated with the CIA, an exchange ensued that once again demonstrated how discreetly the Commission felt it had to act towards the intelligence community.

Chairman: No, I have not, for the simple reason that I have never been informed that the CIA had any knowledge about this.

Mr. McCloy: They have.

Chairman: I'm sure they have, but I did not want to put the CIA into this thing unless they put themselves in.

Mr. McCloy: Don't we have to ask them if we're on notice that they have?

Chairman: We have to do it with all of them . . . We have not done it with any of them yet because we have not been in that position . . . I think we have to ask them. We have to ask the Secret Service. We have to ask the FBI.

Sen. Russell: State Deparment may have something.

Chairman: Yes, the State Department. And I think we ought to ask the White House direct if they have anything further that they might like to have us consider in connection with this.

Sen. Russell: . . . Would it be appropriate for us to seek to get such information as the Dallas police, Texas State police, have or should we get that from the FBI?

Russell's question went unanswered inasmuch as the Commission had not yet resolved the Texas rivalry problem. Quite bitterly, Warren told the Commission that he had received "a four-page, single spaced letter" from Waggoner Carr, mainly showing "the importance of their court and what they're going to do," but with "no offer to do anything else other than have their Court of Inquiry." Warren then read a letter he had sent Carr stating that "it is the view of the Commission . . . that a public inquiry in Texas at this time might be more harmful than helpful in our search for the truth."

"I think that we have to show a spirit of cooperation with these people and still . . . not reveal everything we have got or anything about our innermost secrets," Warren told the Commissioners. "We don't have to do that to cooperate with these people . . . I've cooperated with the federal government in a thousand things when I was in state government (Warren had served as governor of California) and we didn't tell everything . . ."

Meanwhile, J. Lee Rankin, the former solicitor general, emerged as the leading candidate for the post of general counsel, although no action on his appointment was taken at the December 6 meeting. And, again, the FBI came in for criticism for new leaks to the press. Boggs and McCloy agreed that it was "outrageous" and Warren remarked that "it would be a great mistake for us either to feel ourselves, or to give the impression to the public, that we sought the assistance of the FBI or the Department of Justice in picking our counsel."

The Commissioners' travels kept interfering with the group's work. Boggs said he had to catch a plane. McCloy announced that "I'm going to leave on Sunday for London for a day . . . It's a queer business but we know this happens. I have to go over and make a speech in London and come back the same day. It's crazy." But McCloy also had to catch a plane that same afternoon.

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The Commission Meeting of December 16, 1963

On December 9, the Commission received a five-volume report from the FBI—and the bureau again came under attack. First, Allen Dulles reported that "my copy of the FBI report got to me all right but I was surprised . . . It got there in a big box and I thought it was some more of my books: I shoved it aside and I didn't have it under any security at all." Then this exchange developed over the CIA:

Chairman: We have been . . . notified by the Secret Service that they'll perhaps have their report in before the end of the week. The CIA said that it has no big report to make but it has some communications that it wants to present to us and it will do so when Mr. Rankin tells them we're ready for it.

Mr. Dulles: They have not seen the annexes to the FBI report. They do not have those. Their report could only be of value, in my opinion, unless they have something extraneous, after they have seen the FBI report.

Mr. McCloy: But they do have something that is extraneous.

Mr. Dulles: That we ought to get.

Chairman: Yes. They have Oswald's trip down to Mexico, for one thing, I know. Where he went to the Cuban Embassy down there, and possibly some other agency . . . And I think we also ought to make a formal recommendation of the Texas people to send us their reports.

Rep. Boggs raised the question of Mrs. Marina Oswald and security surrounding her. "She's a Russian citizen," he said. "She might just take off and leave." This led to the following discussion:

Mr. Dulles: I was rather worried about that. She's been in touch with the Soviet Embassy, that we know, and of course she might just take off and go to Mexico.

Chairman: The only thing that I heard was that the Secret Service took her into protective custody so that nothing would happen to her. Now, what they have done since that time I don't know. They were afraid that something might happen to her, as happened to her husband, so they took her to some unknown place, I think.

Rep. Ford: It would be another bad flavor, I think.

Chairman: You're exactly right.

Mr. McCloy: There's another woman here that intrigues me and that is Mrs. Ruth Paine.

Mr. Dulles: And her husband, too [Michael R. Paine]. I understand there's a report on that.

The Paines were friends of Marina Oswald who stayed with them in Irving, Texas, in the weeks preceeding President Kennedy's assassination. Lee Oswald visited Marina at the Paines's the evening before the assassination, spending the night there.

The FBI report, voluminous as it was, utterly failed to satisfy the Commission on a number of critical points.

Chairman: Well, gentlemen, to be very frank about it, I have read that FBI report two or three times and I have not seen anything in there yet that has not been in the press.

Sen. Russell: I couldn't agree with that more. I have read it through once very carefully, and I went through it again at places I had marked, and practically everything in there has come out in the press at one time or another, a bit here and a bit there.

Mr. Dulles: Some of the details of the annexes are not in the press.

Sen. Russell: That's true.

Mr. Dulles: I wish we could get from the FBI more readable annexes. There are three, four, or five annexes there and I think they ought to assume the responsibility of writing them so we can read them.

Rep. Ford: . . . I've had a terrible time trying to read some of the notes of Oswald and I think that, as a convenience to us, it would be very helpful if it was typewritten up so that it would be very readable. [This is a reference to Oswald's diary and his other writings.]

Mr. Dulles: His handwriting is very hard to decipher. They do a better job of deciphering the handwriting than we do.

Mr. McCloy: I think that you've got to bear in mind that they were under pressure to get this to us, and this only purports to be a summary. The grammar is bad and you can see they did not polish it all up. It does leave you some loopholes in this thing but I think you have to realize they put this thing together very fast.

Rep. Boggs: There's nothing in there about Governor Connally . . . .

Sen. Cooper: And whether or not they found any bullets in him.

Mr. McCloy: This bullet business leaves me confused.

Chairman: It's totally inconclusive.

Sen. Russell: They couldn't find where one bullet came out that struck the President and yet they found a bullet in the stretcher.

Mr. McCloy: I think you ought to have the autopsy documents.

Chairman: By all means we ought to have the medical reports. We ought to have them as part of this document here because they might play a very important part in it . . . I had the feeling that, after studying this [FBI] report, unless we had the raw materials that went into the making of this report and had an opportunity to examine those raw materials and make our own appraisal, that any appraisal of this report would be little or nothing, and it, therefore, occurred to me that we perhaps ought to have a resolution requesting all agencies and departments furnish all raw materials upon which the reports given to us are based. And reports of raw materials from all developments pertaining to this matter since the last reports were made. In that way we can make our own appraisal of these raw reports and we can form what is going on from day to day in this field . . . .

Rep. Boggs commented that "reading that FBI report leaves a million questions." Dulles, again rising to the CIA's defense, said the agency could not do much "on the Soviet end"—the background of Oswald's three years in Russia—"until they receive these papers that have been submitted to us by the FBI . . . They've been working for a long while, I know. It started when I was there."

This was the first public admission that the CIA had been

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following Oswald's case since his defection to the Soviet Union in 1959, immediately after his discharge from the Marine Corps. Dulles, however, went on to say that as soon as the CIA obtains the FBI's raw reports, including Oswald's diaries, "they can start tracking back and see what is not told us by the Russians." He said that the Soviet government, which had been requested by the State Department to provide information about Oswald's stay in Russia, has not told of "paying him money, quite substantial sums." Warren replied that the Commission ought to study State Department, Secret Service and Immigration Service reports "and whatever the CIA has." He added that "I think the CIA is right, it can't do much on the Russian end until they get this raw material, and they can do quite a good deal."

But, as the Commission was beginning to discover the bureaucratic rivalry problems involving US intelligence agencies, Warren suggested that "perhaps we ought to have a thorough investigation . . . as to the relationship between the FBI and the Secret Service and the CIA in connection, not only with this matter, but in matters of this kind so that we can do something worthwhile in the future. He also recommended that Oswald's and Ruby's lives be traced from their birth "down to the time [Oswald] was assassinated."

Sen. Russell, ever suspicious of the intelligence agencies, felt that a staff member "with a most skeptical nature, sort of a devil's advocate," would analyze FBI and CIA reports for "every contradiction and every soft spot . . . Just as if we were prosecuting them or planning to prosecute them . . . Maybe the other fellow could do it, go through here and take these reports as if we were going to prosecute J. Edgar Hoover."

Russell, uncannily prophetic, urged:

I think one study should be made just from the standpoint of every one of these reports, if we are ever to reconcile all of this contradictory rumor, the relationship of the Secret Service and the FBI and the police department there, and things of that nature . . . I hope the Commission will agree to get some man who will look for the weakness and possible contradictions, and study it solely from that standpoint. Unless some man devoted his whole time on it we could shove over a question that could be raised five or six years from now that would make us look as if we'd been careless.

Warren was still dissatisfied with the knowledge the Commission had concerning the events prior to the Kennedy assassination. He remarked, for example, that "there really isn't anything to indicate whether or not the FBI notified the Secret Service about any of the activities of Oswald" before Kennedy's arrival in Dallas. And, once more expressing the Commission's concern over its credibility, he said that "I have read in one of the papers . . . which said this is a strange Commission, not one of them has had any investigative experience."

Ford commented that the FBI report "was a narrative that was interesting to read, but it did not have the depth that it ought to have."

Even after reading the FBI report, the Commission showed itself to be totally confused about the events in Dallas as they related to the details of the actual assassination, where the bullets were fired from at President Kennedy, what were the angles and trajectories of the fatal shots.

By now, J. Lee Rankin was already serving as general counsel and participating in the executive session. He becomes a focal point of the ensuing conversation.

Mr. McCloy: I think we ought to take a look at the grounds and somebody ought to do it and get the picture of this angle to see if it is humanly possible for him to have been hit in the front from a shot fired from that window. Maybe it is . . . .

Mr. Rankin: I think that it would be most helpful, before making a trip down there, to examine all the possibilities first and point these out so that you would have the various things to look at that we could think of, and all that you could think of, before anyone went down there rather than going down and coming back with all of those questions.

Mr. McCloy: It's true that evidence slips away, but I think you're right on this. Then there's the question, should we not interview Connally very quickly, and the widow that's a very sensitive thing. I don't think you should cross-examine her, but after all she was a witness right alongside of her husband when the bullet struck.

Mr. Rankin: What are you going to do with the President and Mrs. Johnson? They were there, too . . . .

Rep. Boggs: They were not in the same car.

Mr. McCloy: I think somebody ought to be interviewing Mrs. Kennedy pretty quickly . . . I think it's a very delicate thing to do, but I'm told she's quite prepared to talk about it. I've talked to one of the members of the family about it . . . And if you don't do that I think memory might play tricks.

The FBI—and, increasingly, the bureau's ability or inability, to produce adequately—was the recurrent topic of this session. After the first experience with the FBI, Warren conceded that he had been too optimistic 11 days earlier in proposing that the Commission confine itself to the "evaluation" of FBI reports. This is how General Counsel Rankin put it to the Commissioners:

Mr. Rankin: The Chief Justice and I finally came to the conclusion, after looking at this report, that we might have to come back to you and ask for some investigative help, too, to examine special situations, because we might not get all we needed by just going back to the FBI and other agencies because the report has so many loopholes in it. Anybody can look at it and see that it just doesn't seem like they're looking for things that this Commission has to look for in order to get the answers that it wants and it's entitled to. We thought we might reserve the question, but we thought we might need some investigative staff.

Sen. Russell: Initially my thought was if anything came up that we needed some additional information on or wanted to get something expanded to follow up some clue we would turn it over to the FBI and tell them to clear it up. I don't think we will need to have a large staff, but two or three people to check against certain instances where we might need an independent inquiry . . . .

Mr. Rankin: There may be some situations where we can't get answers and in those we may need some investigator to get the answers, because it might be a tender spot. I am sure that the FBI is certainly tender about the knowledge they had and the fact that the Secret Service did not have that knowledge in order to do anything about it.

The FBI's greatest vulnerability at that point was the fact that it had failed to inform the Secret Service ahead of time of Oswald's presence in Dallas. He had returned to the Dallas area from Mexico

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on October 4, 1963. Subsequent testimony would show that the CIA watched him in Mexico during the seven days he spent there applying for Cuban and Soviet visas; it claimed later it even had photographs showing him visiting the two embassies. But, evidently, the CIA was not talking to the FBI, and the FBI was not talking to the Secret Service or, for that matter, to the Dallas police. What the Commission did not know when it studied the December 9 FBI report was that Oswald had written a threatening letter to the bureau's Dallas field office 10 days before the assassination to discourage agents from additional interviews with his Russian-born wife. FBI agents talked to Marina after *Oswald's return from Mexico, but inexplicably, not to him. The last time the bureau had talked to Oswald was in August, 1963, in New Orleans, at his request, after being arrested for causing a disturbance while distributing leaflets of the Fair Play for Cuba Committee. The Warren Commission, in fact,* never *knew about Oswald's threats to the FBI. This was revealed only in 1975, when FBI Director Clarence Kelley admitted that Oswald had written such a letter and that FBI agents had destroyed it, apparently without reporting to Washington. In retrospect, the FBI's inexplicable performance was even worse than suspected at the time; now it looms very suspicious indeed. In any event, as the Commission recognized, the FBI erred grievously in not informing the Secret Service about Oswald, a former defector with a perplexing and mercurial political and psychiatric history.*

Sen. Russell agreed with Rankin that the FBI "would not be human" if it were not "tender" about this failure. And Rankin went on:

Mr. Rankin: There is also the time that Oswald was in this building and he got out and nothing was done about it until he had been all over the community. I presume that all of the various agencies are rather tender about that situation . . . So we might have difficulty getting anything and come up against a blank wall until we get somebody who we can rely upon and who will try to work around some of the people and get the whole picture first.

Rankin's reference was to the Texas School Book Depository building, overlooking the route of the Kennedy motorcade on November 22, from where Oswald fired the shots. Oswald had been employed there.

The Commission went back to the FBI-CIA relationship, this time on Allen Dulles's intiative.

Mr. Dulles: We can expedite the CIA report, I know, because I can give them, or the FBI can pass to them these exhibits about Oswald being in Russia. That is going to be a pretty key business, the analysis of those reports.

Chairman: Haven't the CIA any contact with the FBI?

Mr. Dulles: I don't think they'll do it because the FBI has no authority to pass these reports to anyone else without this Commission's approval.

Mr. McCloy: The CIA knows everything about it. I don't know how they got it but John McCone (CIA Director) knows everything.

Mr. Dulles: He has not seen the reports because I've checked with people yesterday at great length. I have no authority to give it to them and he has not seen the exhibits that we now have, that describe Oswald while he was in Russia.

Chairman: I see no reason why we should not give John McCone a copy of this report and let him see it. He can see mine if he wants to . . . .

Mr. Dulles: I can make mine available. I wouldn't want to do it without approval of this Commission.

Sen. Russell: I have never been able to understand why it is that every agency acts like it's the sole agency in the government. There is very little interchange of information between the departments in the United States Government. The entire view is that they are a separate, closed department, and there is no interchange of information. The Agriculture Department may have something that is similar to what another agency has and yet you can't interchange that information.

Mr. Dulles: I wouldn't want the FBI to pass this report around every place. If you give me authority I would be willing to see that's done.

Chairman: If there is no objection, Mr. Dulles will be authorized to make his FBI report available to Mr. McCone.

Interestingly, as the transcript shows, Katzenbach had written the Commission a few days earlier recommending that the five-page FBI report be made public. In retrospect, it appears that the FBI wanted the public to be apprised, within two weeks of the assassination, of the bureau's conclusion that Oswald had acted alone and that there had not been a conspiracy. The earlier press leaks by the FBI seemed to fit the same pattern. But Russell proposed that the Commission advise Katzenbach that it did not think it advisable to release the FBI report. Rep. Ford said "Right," and the group voted so to inform the Justice Department.

Warren also cautioned the Commission that "it might be in somebody's mind to delay" Jack Ruby's trial, recommending that the Commissioners refrain from discussing publicly when the final report would be issued—before or after the trial. He did not explain his concern, except to say that "We're getting into an area where we can't tell what is liable to happen . . . It might be to somebody's interest if they knew this Commission would not make a report until this trial is over, and to find some way to delay the Ruby trial."

The Commission kept referring to critical material in the press. For example, Rep. Boggs remarked that an article entitled "Seeds of Doubt, Questions About the Assassination" in the December 21, 1963 issue of The New Republic *(issues of magazines are postdated by a week) "raises some interesting questions." Then the Commission divided over whether to interview Mrs. Kennedy.*

Mr. McCloy: One thing I have some doubt about is whether you're going to let such a long time elapse, between the date of the assassination and the middle of January, before you interview the chief witness, Mrs. Kennedy. I just think it's going to look strange if we don't. I don't know who has interviewed her. Maybe some people have, maybe they have not, but I think we ought to satisfy ourselves that we interview her.

Rep. Boggs: I have talked to a friend of mine who told me about riding to the scene of the tragedy, the hospital, and he told me what transpired in the hospital room, and the extent of the wounds. In fact, the President was undoubtedly dead before he ever arrived at the hospital. None of this appears in these reports. Nothing but the autopsy.

Mr. McCloy: We have to get that fast from the one that was closest to him, within a foot of him, when the bullet struck.

Rep. Boggs: And Gov. Connally and Mr. Johnson, and the

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Secret Service agent who jumped up on the back of the car.

Sen. Russell: I don't think we should start informal hearings at this stage because I don't know that we'll have to have a parade of witnesses. But if one member of the Commission would want to talk to them I think Mr. Rankin can find that rather quickly through the FBI to see if they have any statement from them. I doubt that they have. If they have not it's rather delicate.

Mr. Dulles: It would be background information of the Secret Service's relations with the FBI.

Mr. McCloy: I don't think we ought to question Mrs. Kennedy.

Sen. Russell: I wouldn't like for the whole Commission to do it. If someone wanted to interview her that's different. I don't think she's the principal witness.

Rep. Ford: That's what I was going to suggest. Someone who knows her best and has known her for a period of time. It can be done most informally.

Chairman: Gentlemen, I don't think we know about this thing yet to question witnesses in the formal way. And when you're going to talk to someone like Mrs. Kennedy I think we ought to know exactly what we want to find out from her, exactly what we have to have from her. I just can't see that we can proceed that way with her because it doesn't seem an honorable way.

Mr. McCloy: I think a month is going to go by before you're in that position, and I think that is dangerous.

Chairman: Do you think she'll forget, Jack?

Mr. McCloy: Yes. Your mind plays tricks with you. She's got it very definitely in mind now, but I don't have that at first hand. She may not be the chief witness as to who did the job. She's the chief witness as to how those bullets hit her husband. She saw both of them . . . This is looming up as the most confusing thing that we've got.

Chairman: I wonder if the report we get from the Secret Service wouldn't pretty much clear that up. If it doesn't, good Lord, what can they report to us on that will help us. They were there, right at the car, and know exactly what happened.

Rep. Boggs: Well, this FBI report doesn't clear it up.

Chairman: It doesn't do anything.

Rep. Boggs: It raises a lot of new questions in my mind.

Mr. McCloy: The FBI was down there.

Mr. Dulles: Yes, but during the investigation I don't think they have any business around the President.

Rep. Ford: No protection responsibility.

Sen. Cooper: I think what the Chief Justice is saying is this, when these reports come in, if there are any raw reports from the FBI, if they have affidavits from people that testified about the circumstances about what happened to the President, also the security people, then, as I understand it, if there are any gaps in that and you feel that you should, go and talk to Mrs. Kennedy.

Sen. Russell: You can get a person to say anything and he wasn't even there, and yet he'll believe that he saw it himself. I think someone should ask the attorney general to ask her if she would make a statement, and if our counsel feels that we should take the statement then some member of the Commission who knows Mrs. Kennedy better than I do, and I assume that of four or five of you that is true, should take this statement as informally as possible, and that is about how it should be done, if we should do it at all.

Mr. Dulles: I wonder if she wouldn't write it out, and then if we wanted to ask questions on that it would be easier for her. She could take time and just write out everything she could remember.

Rep. Boggs: My thought would be that you or Allen check with Ted Sorensen about this.

Mr. McCloy: My feeling would be to go to Bobby because he held her hand throughout the whole thing, and I think that would be better than [White House aide] Sorensen . . . .

Mr. Rankin: I think we could get it by letting her tell her story first and arrange to visit her about particular questions that might not be covered, if that is all right with you.

During the meeting, Dulles questioned several times the value of reports provided by the Soviet government.

Mr. Dulles: The Soviet reports are entirely incomplete. They only relate to correspondence with the embassy. There must be a great many reports that they have, you know, from his diary and so forth and so on. Whether the State Department wants to ask the Russians for any other material regarding him during his stay in Russia, it seems to me we ought to give them a chance to come forward on that. If they refuse us, and they probably will, then we publish these diaries, and so on, it will show that a great deal went on between the Soviet Government and us, only known in Russia, not around here.

Oswald's lengthy diary had been found by the FBI shortly after the assassination, but it had not been made public at the time the Warren Commission was meeting in January. Dulles's reference to "a great deal" that went on between the Soviet government and the US is unclear. It is not likely that he was referring merely to Washington's request to the Soviet Foreign Ministry for background information concerning Oswald's stay in Russia between 1959 and 1962. It remains unknown what, if any, other contacts there had been between the two governments concerning Oswald.

The Commission also felt uneasy about its limited information about Jack Ruby's background. Although the final report has a biographical section on Ruby, it is clear 11 years later that it is full of gaps, particularly concerning his criminal record. Presciently, Rep. Boggs said: "There is still little on this fellow Ruby, including his movements, what he was doing, how he got in there [the Dallas jail], it's fantastic . . ." Or Boggs again, "One of the keys in this case is Ruby . . ."

The Commission Meeting of January 21, 1964

This was the Commission's first meeting of the new year, the first since December 16. The Commission was now fully staffed, and Warren, again optimistic, told his colleagues that "progress can be expected reasonably rapidly." But this January meeting was also the time the Commission was faced with the dilemma of whether to speed up the publication of the report because of the campaign year or hold

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it back pending the outcome of Jack Ruby's trial. Americans were never informed about this consideration at the time. Nor were they told that Warren set a secret target date to complete the investigation, if possible, before the Democratic and Republican Conventions. And, once again, the FBI comes in for sharp criticism.

Chairman: It seemed to me that one of the important things in our investigation is to be able to trace every dollar that we can in the possession of Oswald and every dollar that he spent, because we don't know where his money came from. There is no evidence of any affluence or anything of that kind, but I think for, in order to make our report complete, we ought to know that as far as we can every dollar that came into his possession and every dollar that he spent, and we have taken that up with the Treasury and they have assigned two of their topflight investigators to run that matter down . . . .

Mr. Dulles: There is a pretty good list already on page 35 of the FBI report.

Chairman: Yes, there is, but a lot of blind spots in that, too, Allen, that I think ought to be checked thoroughly.

Mr. Dulles: He paid his taxes.

Mr. Rankin: Mostly withholding and he got a refund most of the time . . . .

Chairman: And he did pay back the loan that they gave him over in Russia to come back to the United States . . . [The State Department had loaned Oswald the necessary funds to return to the United States with his wife in 1962.]

After discussing Oswald's financial status and listening to Allen Dulles's suggestion that a study of past assassinations might provide clues for the motive in the Kennedy killing, Chief Justice Warren raised the question of when the Commission's report could be completed.

Chairman: Gentlemen, it is rather early from the work that we have done already and from the materials we have to say when we could close this matter out, but I think it is not too early for us to start thinking about when we anticipate quitting.

I think if this should go along too far and get into the middle of a campaign year that it would be very bad for the country to have this thing discussed at that particular time.

On the other hand, if we were ready today we couldn't put the report out because of the Ruby situation, and how long that will take, I don't know.

But I thought if we should pick a date, say the first of June as a target date to finish this thing up and have our report ready and filed, so we could work toward it, that it would be a good thing to do, because things can drag on if you don't have a target day . . . .

Mr. Rankin: I think that we could plan very definitely on closing up on all of the areas except the foreign area by a certain date, and I was thinking about trying to have everything done so we could have a proposed report for the Commission's consideraton by, well, by the middle of May, anyway, and trying for a date, possibly the first of June, that you could say you had a report.

Now, the foreign area is a very difficult one because there are large patches in the Soviet Russia period, and in Mexico City that are unaccounted for by any report that we have, and so we don't know what is going to develop, and we have to try to run them out day by day and hour by hour to try to account for it.

If we hit something that we have to go a long way to try to get the rest of it, then we don't know what will be involved there.

Sen. Russell: Has Ruby's case been set for trial yet?

Mr. Rankin: Well, tentatively, they have talked about the [February] 10th . . . .

Sen. Russell: Do you have any idea how long it will take to conclude that?

Mr. Rankin: They also said in the news account today . . . to try for a continuance so I don't know what they are up to but we all agreed that the smartest thing they could do in defending their client was to get him to trial quickly, but we are not trying the case.

Sen. Russell: That time may have passed now . . . .

Sen. Cooper: You don't intend to set a target date publicly?

Mr. Rankin: No. I was thinking for the Commission's purpose. That is privately.

Sen. Cooper: They could have the Ruby trial postponed.

Mr. Rankin: No. I thought we could just see what your thinking was, and it seemed like it was wise to try to get out of the way of the conventions if we could.

Sen. Russell: I see no objection to a tentative date. I wouldn't want to be bound too tightly by it because you never know where we will be with respect to it . . . .

Rep. Ford: That may be pushing it a bit, but I think it is good to have a push.

Chairman: Some pressure on us to get something done . . . .

Rankin told the Commission that it would take the members 30 days to read and digest the raw material already accumulated in the files. He added that if all necessary information were available, the staff could do "quite a job" of putting it together in 45 days. Dulles remarked that about two-thirds of the material was of "no importance," but the Commission should rely on the staff to pick out what is essential from the mass of material—"it is as high as this room now." He said "we can browse around if we have time."

With the Commission constantly worried about criticism, Ford suggested, in effect, that there be no publicity given to the identity of individual Commissioners interviewing witnesses. The system was for witnesses to appear before one or two Commissioners and staff, rather than the full Commission in most instances, to save time.

Rep. Ford: If there was an area of criticism, one might share the blame and others wouldn't, and whether we do a good job or not is dependent upon all of us putting our name on that dotted line with full and complete responsibility.

Chairman: Very true.

Rep. Ford: If it were informal and not as a part of a specific assignment, I think it would be good, but to have it officially known that Hale or I were the person responsible for a particular part it might lead to some criticism or perhaps to dissension or anything else, and I—

Chairman: Or even to harassment by people on the outside.

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Such was the Commissioners' concern over possible criticism that they decided to keep some information concerning interrogations secret even from the staff.

Rep. Ford: You are right. Somehow these things might leak and somebody could be criticized within the group. This would be my only off-the-top-of-my-head thought on it.

Chairman: I think you are right, and I see no reason why, if we decided to do that, whatever we decided to do I see no reason why it should ever get out of this room, even to our staff, there is no need of the staff knowing that that is the situation.

Rep. Ford: Yes . . . .

Another question the Commission found perplexing was that of Kennedy's wounds. The Commissioners were faced with conflicting information in different reports. This, of course, was a matter that would be repeatedly raised by the report's critics in the years to come.

Mr. McCloy: Let's find out about these wounds, it is just as confusing now as could be. It left my mind muddy as to what really did happen. . . . Why didn't they turn the body over, who turned the body over, who were the people up there, and why did the FBI report come out with something which isn't consistent with the autopsy when we finally see the autopsy? . . . Then talk to the head of the FBI and not Mr. Hoover, but the fellow who headed this investigation, and go in, what did you do, what is all this talk about your having no liaison with the Secret Service? You did have an interview or at least you located this man two or three weeks before the assassination? Didn't you pass this on to the Secret Service, why didn't you if you didn't, and how about this business of the overpass? Did you have Secret Service men on the overpass? It was obviously a place to have somebody, because you can drop a bomb right over it. Well, apparently it turns out they didn't have, for God's sake why didn't you?

Rep. Boggs: I notice in the overpass it never even gets into it.

Mr. McCloy: How about the relationship, well, how about the Mrs. Kennedy investigation? We haven't decided yet who did that.

Sen. Russell: Hasn't that testimony been taken yet?

Chairman: No, we have never bothered Mrs. Kennedy, Senator.

Mr. McCloy: I think we have got to at some point sit down and talk with her not with regard to the sworn testimony.

Mr. Dulles: You haven't talked to Connally or Mrs. Connally?

Mr. McCloy: Do we talk to Mrs. Oswald and what is this we see in the newspaper about Mrs. Oswald being examined by the Commission?

Mr. Rankin: We are planning to examine her . . . .

The Commission's next concern was a visit to Dallas. The panel had been in existence for over six weeks, but it had not yet inspected the scene of the crime. The discussion on this point was baffling. The eight top-notch lawyers in the room—the seven Commissioners and the general counsel—could not decide whether they were in danger of being subpoenaed by Texas authorities. This was one episode in which the work of the Commission verged on the absurd.

Mr. McCloy: About visiting the scene of the crime. I think sooner or later one of us or all of us ought to go down there and visit it in spite of the very graphic and interesting exhibits.

Mr. Rankin: We are being asked for all kinds of evidence by Ruby's defense counsel and I think if we go down there, we might all be subpoenaed.

Mr. McCloy: Slap a subpoena on us.

Mr. Rankin: Subpoena *duces tecum* and then what do we do.

Mr. Dulles: We have no immunity in our capacity as a Commission, do we?

Sen. Russell: We do have executive immunity, we are a presidential Commission, which is the highest we can have.

Mr. Dulles: If we could get into subpoena we would be in great trouble, I don't think we could.

Sen. Russell: I don't think we could. I don't think we are subject to any subpoena.

Sen. Cooper: You don't think we are?

Sen. Russell: No, sir, I don't think so.

Chairman: You don't think we are subject to subpoena?

Sen. Russell: I don't believe you can subpoena this Commission to produce any paper we have.

Chairman: I don't think we ought to produce anything.

Mr. Rankin: We have executive privilege.

Sen. Russell: We have executive privilege. If we don't have executive privilege as appointees of the President, to do a specific performance, a specific job for him, I don't know how you create executive privilege . . . I wouldn't go down there with the bands playing and the colors flying just now but that is talking about an entirely different thing from whether or not you're subject to the subpoena.

Rep. Boggs: I think if we go, the whole Commission has got to go, I think for one man to go down there would be unfair to the one man and unfair to the other members of the Commission as well.

If a determination is made to go there then I think the whole Commission has got to go. . . .

Mr. Rankin: I think it is very important if anybody goes you all go, because you are going to be passing upon this whole question and you ought to have the same kind of evidence before you when you get there . . . .

Chairman: I agree with you that they have no right to subpoena our records or get any of them. We could prevent that all right. But they could serve a subpoena on us.

Sen. Russell: That is correct.

Chairman: They could embarrass us tremendously . . . We discussed that very thoroughly about the testimony of Mrs. Oswald and it was first thought we ought to take the testimony down there, but it occurred to me that there might be a lot of complications if we go down there, and we should work it out with her attorneys to bring her up here and do it in quiet right in this room, right in this room with no fanfare or anything else about it. I was wondering about this: if that little woman, with her babies and if she comes she has got to come

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and bring her babies with her, goes on a commercial airplane, she will be subjected to flashbulbs and everything, and she will be embarrassed and maybe she will be made hostile, and I thought that if we were to ask the Armed Forces if they would . . .

Sen. Russell: I don't think that would be the slightest difficulty in that up here in one of these Jet Stars in a couple of hours from down there . . . .

A long discussion ensued over Marina Oswald's plans to sell her story to Life *magazine. Warren said that her lawyer should let the Commission inspect the story before "this thing goes to the printer," and that the lawyer had agreed to it. In fact, he said, the first 50 pages were being translated from the Russian.*

Sen. Russell: Her attorney is not commercial-minded, is he? If he was he would say, no, he is going to sell the story first, beat the Commission. Because the story would sell three times as many as after the report is made.

Chairman: He doesn't agree to wait until the report is made, but until we have examined it and have had an opportunity to take her testimony . . . .

Mr. McCloy: He is still peddling this thing?

Chairman: Oh, yes . . . .

Mr. McCloy: It might develop into a movie, but then also in contact with this fellow [Isaac Don] Levine to try to break the story up in a little more graphic manner and tie it into the Russian business, and it is with the thought and background of a Russian connection conspiracy concept . . . .

The Commissioners spent some time wondering about the functions of various lawyers representing or purporting to represent the Oswald family.

Sen. Russell: But there are so many lawyers brought into it. She [Marina] has lawyers in Texas and didn't employ someone in New York.

Mr. Rankin: Well, there is Mark Lane who . . . is in the agenda here about representing Oswald, the decedent before the Commission, and Mr. Thorne told me that he came to Marina Oswald, too, and Mr. Thorne and asked if he couldn't represent the decedent on her behalf and she turned him down, she didn't want any part of him.

Mr. Dulles: I think she was wise from what I hear about Mr. Lane.

Mr. Rankin: Then he went to Marguerite, the mother and persuaded her. But apparently she didn't seek him out . . . .

Sen. Russell: He was down soliciting business . . . .

Then the Commissioners went back to their secret target date, insistent that it not be known publicly. Warren, responding to Ford's query about their timetable, said that June 1 was the "tentative target date." And McCloy added: "Not to be given out. That is just within the confines of this room." Discussing the procedure, Warren said that counsel should examine the witnesses while "we sit here as near like judges as the situation will permit . . . ."

Rankin informed the Commission that the FBI had just provided a reconstruction of the crime scene with photographs and actual models, having spent "a considerable sum of money" on it. The exhibit was being kept in the Commission's building in a locked room. He then undertook to explain where the Commission stood in regard to the FBI.

Mr. Rankin: We would by now have all kinds of requests to direct to the FBI and the other agencies in detail of additional material we need to fill out these various holes and we were getting down to this point where we got this additional supplemental material and I didn't want to go back to the FBI and say to them, "Where is this matter about Mrs. Paine, for instance on such and such a date," an additional inquiry, and find that they said, well, that is all in your supplement. Why don't you read what we give you, and you would really be in a bad spot if we did that and it would make our relations difficult and make it hard for us to get the other material if we needed it later.

Sen. Russell: That is what you are for, Mr. Rankin, you are supposed to know what is in all those things and avoid our being embarrassed by asking such a thing . . .

Mr. Rankin: Then, we can let you see the type of additional inquiries we are making to the FBI and the Secret Service and everybody else. . . . That will give you a really good picture along with the synopsis you have as to what we think might be some further guidance in this further picture . . . .

The problem of fingerprints on Oswald's gun and other objects then came up, and several members suggested that it would be wise to have independent experts provide their findings in addition to the FBI's report.

Sen. Russell: I have a great confidence in the FBI. I am not making any statements in any sense to challenge their ability. I have great confidence in them and I realize all over the country as a whole when they get down to the question of ballistics, for example, when the states have exhausted themselves they ask the FBI to make a study of it. But it seems to me that the FBI itself would be glad to have that done because there is going to be unquestionably in the years that are ahead, maybe perhaps months, there will be so many questions raised, that it would be desirable to have a double check made on matters of that kind that are capable of being investigated by another competent group . . . .

Chairman: But we can find those people who are thoroughly independent, too, of the FBI.

Sen. Russell: I don't think that is a matter that we ought to go out and discuss. We ought to perhaps not even refer to it along the line, but have it quietly in reserve . . . .

Mr. Dulles: About the visual aids . . . Do the FBI and the Secret Service and maybe the police of Texas agree on these models and so forth and the various visual aids you have given us here, or is this just the FBI?

Mr. Rankin: Just the FBI, and the Secret Service is different on the distances, and I have already put that up to them and asked them about it.

This was a reference to a disagreement between the FBI and the Secret Service concerning the distance between Oswald and President Kennedy's car — and the speed of the car— at the precise moment the bullets were fired.

Rep. Boggs: What is really significant is whether the man lived or died. If the car speeded up he probably would still be alive today . . . .

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The Commission's relations with the press were a continuing anxiety. Warren remarked, for example, that newsmen "badger the life out of Mr. Rankin."

Rep. Boggs: A man who is in public life, and who has to be elected to office, he can afford to have press pets because he knows pretty well who is going to help him and who is going to be cutting his throat. But a Commission can't do it, a presidential Commission. They have got to deal it out with the same spoon to everyone without regard to their relations with them . . . .

Rep. Ford: Would it be wise to borrow somebody from the bureau or the CIA who handles their business in this way?

Rep. Boggs: . . . I think it important for the public to know that the Commission is active and is doing things. It doesn't necessarily mean they should know what we are doing, but in my judgment it would be a mistake if all of a sudden the Commission disappeared out of the news totally and completely . . . .

Chairman: . . . If we have an understanding today that, of course we are not seeking publicity but bearing in mind that certain questions will of necessity have to be answered . . . .

Once more, the Commission turned to the delicate question of how Mrs. Kennedy should be approached.

Mr. McCloy: . . . If somebody from the Commission, and I had you in mind, Mr. Chief Justice, would call on her, at a certain time, but in order to sort of ease it for her, could you just give him a little ahead of time what the general line of questioning would be so she could be thinking about it a little bit . . . I would like to speak off the record a minute in regard to this matter.

The discussion was off the record. At this point, the official reporter stopped taking notes.

Rep. Boggs: . . . In the case of the widow of the late President, and in the case of the President and his wife, that the Commission authorize its Chairman . . . to take whatever steps he deems advisable to get whatever testimony may be pertinent from those people . . . .

Ten pages of transcript of the January 21 meeting have been removed at this point and classified without explanation by the National Archives.

The grisly subject of Lee Oswald's remains was next on the Commission's agenda. The final report did not show that this matter was even discussed.

Chairman: . . . Now that the situation is that this man is buried in a cemetery and it takes officers around the clock to watch him, watch and see that they don't come in and exhume him and do something that would further injure the country, and so it has been suggested that to save expense they exhume him and cremate him. But the mother has made some public statements about that and said she doesn't care how much it costs or what it is, she just won't consent to his cremation.

His wife, since she has come over to this country, has been studying the Catholic religion, and while she hasn't yet accepted it, she does go to two Catholic churches, and the Catholic church, I think we all know, is opposed on religious grounds to cremation, and I think if we gave any consent to any one cremating this man, we would be in trouble . . . The question might arise before this thing as to something on that body now. I don't know what it is. It might be the course of the bullet. It might be something else. But I don't think we would want that disposed of until our report has been made . . . .

Sen. Russell: Because then they would make a case on it. I thought we might do this. I thought we might get some mausoleum to take this body, and seal it up and put it in the mausoleum, unknown to anybody else, if they can do that, and no one would know where it was, the wife would consent to it, I think, and the mother hasn't got anything to say about it anyway if the wife consents to it, and I would have that done rather than to dig up or cremate that body. We might get into a great religious controversy.

Rep. Boggs: I am a little concerned about moving him. You remember when, it is funny how history repeats itself, but all the controversy about the body ultimately of Lincoln . . . .

Sen. Russell: I believe it is better to have somebody paying for watching that grave a little while longer.

Mr. McCloy: I don't think we ought to have on the record that we are moving in this thing. We are not saying anything about it.

Sen. Russell: If the wife is not willing to have him moved it is a question of watching, to prevent some body snatcher from removing him.

Rep. Boggs: If you move that body, I don't care if you move that body 20 foot over to somewhere else somebody is going to say that is not the body and you are going to have to have somebody go down there and pull it out of that mausoleum and have X-rays made and prove it is his body. It may cost a little money to have a cop or two around there but it is worth it . . . .

Sen. Cooper: . . . the lot is owned by his mother, Marguerite, and he doesn't know whether she would want anybody in there trying to strengthen the vault. Of course she wouldn't do anything about it, unless his wife agreed to it being moved, but it is being protected by the city police and they don't know how long it is going to be protected . . . .

The Commission spent some time discussing whether Oswald's personal effects should be returned to his mother at once, later, or placed in the National Archives.

Chairman: It may be that there are some of these things that we would like to use as an exhibit for our report and would like to put in the Archives over here.

Sen. Russell: That is exactly what I had in mind. I think the more of these things that are kept in the public domain the better off we are . . . If they are in the public domain, there they are, there is the evidence you can see them, for example, denying this is the same gun, if you have that gun, the gun is in the public domain where any American citizen can see it why that answers itself.

Chairman: I would never give them the gun.

Rep. Boggs: I would never think of giving it to them.

Chairman: I will tell you what they might have in view. How many articles are there, Lee?

Mr. Rankin: Four hundred.

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The Commissioners and Rankin then bogged down again in the subject of whether the Commission should prevent Marina Oswald from selling her life story before the Commissioners had a chance to study it. The conclusion was that Mrs. Oswald was free to sell it at any time. Rankin, who had read parts of it, told the Commission that "it doesn't add anything."

Warren informed the group that he had to take the six o'clock plane to New York "because I have to escort Queen Frederika [of Greece] to a dinner" and did not want to commit "lèse majeste." As the conversation droned on, McCloy, returning to Marina Oswald's diary, reported that he had heard from Life *magazine that "she was going to put evidence in this thing that she was a Soviet agent." Sen. Russell commented: "That will blow the lid if she testifies to that."*

Then the Commission turned to inquiries by the American Civil Liberties Union about access to Marina Oswald.

Chairman: In a newspaper item [the ACLU] demanded to see Mrs. Oswald to see if she was being restrained unconstitutionally of her liberty . . . They wanted to see her personally, and I don't think we could afford to have a great issue made of that . . . I think we ought to try to make arrangements to let someone see her and talk to her and maybe we can do it at the time of her testimony here. . . .

Sen. Russell: I don't think they have a right to invade her privacy if she doesn't want to talk to them. She has got her own lawyer . . . I don't know that we have her in our custody . . . .

Mr. Rankin: We do have a little problem because the Secret Service came to us and said, "Shall we quit our surveillance over her?"

Sen. Russell: Oh, no, we can't do that.

Mr. Rankin: I said we can't do that because she would slip right across the border and be gone, and if it got down to that issue, I suppose they would say we told them to stay there, blame it on us . . . .

Again, the Commission found itself in a conflict with Texas. The Dallas district attorney and Ruby lawyers, as Warren put it, "demanded that we give them everything we have . . . they wrote a jury argument to support it." Then, as it turned out, the FBI was part of this problem, too.

Sen. Russell: The FBI and Secret Service, if they can litigate it out of them, let them have it.

Chairman: The trouble is we are in a little bind there because the FBI has written to these people and has said, "Now we are perfectly willing for you to have anything that the Commission says you might have." . . . That is what you might expect, they are passing the buck . . . .

The Commission voted to advise the Texas lawyers it could not comply with the request, but Warren said that a letter also had to be sent to FBI Director Hoover who "has put us in a bind." The FBI, as mentioned above, had told the Texas authorities and Ruby's lawyers that they could have all the bureau's materials if the Warren Commission agreed. The Commission apparently saw it as another FBI attempt to disseminate its conclusions. Warren put it strongly in his letter to Hoover:

"The Commission has authorized me to advise you and other Federal agencies that it will not respond favorably to such requests and that it will not urge you or them to make any deviation from your own judgment of what is required of your agency by law . . . ."

By then, the Commission had seen enough of the problems involving US intelligence agencies to take the view that they needed overhauling. The Commission had already sent a letter to the Secret Service requesting their recommendations for future coordination among the agencies for the protection of Presidents.

Chairman: Now, we were asking the Commission now whether we should ask for similar information from the other agencies because we have the problem that is involved in this whole thing of pooling information that comes to the attention of one intelligence agency.

For example, the FBI's information about Oswald that was not communicated to the Secret Service so they could put it into their special place, their research place that they could have and which they check out when they go from one place to another.

Now, apparently there is the considerable problem about that information being brought to the attention of various agencies that would have an interest in it, and the question of where it can be pooled. There is on the other side of the coin the question of whether or not the other agency is entitled, has sufficient security or its people are safe enough to give this confidential information to which some of the agencies say, "Well, we couldn't give any information of some of our activities because our people would be killed immediately if that agency got the information."

Of course, each one claims that it is the secure agency and the other one can't be trusted with anything.

Mr. Dulles: I heard that before.

Mr. Rankin: So we think for you to evaluate this whole thing first, you have the problem of what was done at the time in regard to protecting the President. We have the problem of what they did . . . with relation to their own standards and so forth at the time, and there is a considerable problem in that area.

Then it is what they are trying to do now to improve their procedures, and what might be done by this Commission in suggesting action that could improve the whole set-up. There isn't any question but what we are spending a tremendous amount of money in the government for accumulating all kinds of information. But whether it gets the place that it should for the most effective means is one of the things I think this Commission is going to desire to say something about. At least we want to present it to you for your attention and see what you want to do about it.

Rep. Ford: The immediate problem then is whether we are going to ask them to tell us, one, what they did prior to, and now what are they anticipating they will do in the future . . . .

Mr. Dulles: I haven't seen anything from the Texas police . . . .

The Commission Meeting of January 22, 1964

This was a secret meeting of the Commission called on an urgent basis by Chief Justice Warren, to advise the Commissioners that the attorney general of Texas had information suggesting that Lee Harvey Oswald might have been acting as an undercover FBI agent. The meeting, held from 5:30 pm to 7 pm at the Commission's headquarters, was not publicized. The minutes of this

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session are not listed in the official "Inventory of the Records of the President's Commission on the Assassination of President Kennedy" issued by the National Archives in Washington in 1973. Marion M. Johnson, the custodian of the Kennedy records at the Archives, told The New Republic *that the minutes of the January 22, 1964, session were not listed in the "Inventory" because they had not been "discovered" when the catalogue was being compiled in 1973. The Archives did not explain how the minutes were subsequently discovered; they were declassified, however, on March 14, 1975. The quality of this transcript is especially poor, with words missing occasionally, others misspelled, and the identity of speakers not always clearly indicated.*

When Warren summoned the Commission for the emergency meeting, he was apparently unaware that earlier published reports had hinted that Oswald may have had connections with the FBI. The Commission would conclude in its final report that these allegations were disproved to its satisfaction. But this whole question was reopened in September, 1975 when Waggoner Carr, who had served as attorney general of Texas in 1963-64, charged that the Commission failed to meet his request that a check be conducted on all the FBI and CIA agents, informants and "spies" who were in the Dallas area immediately before President Kennedy's assassination. Carr's charges in 1975 served to spotlight the strange and difficult relationship between the Warren Commission and FBI Director Hoover throughout the investigation of President Kennedy's death.

The Commissioners were so stunned by the information given them at the January 22, 1964 session that Allen Dulles, the former CIA director, proposed that the minutes of this meeting be destroyed.

Chairman: I called this meeting of the Commission because of something that developed today that I thought every member of the Commission should have knowledge of, something that you shouldn't hear from the public before you had an opportunity to think about it. I will just have Mr. Rankin tell you the story from the beginning.

Mr. Rankin: Mr. Waggoner Carr . . . called me at 11:10 this morning and said that the word had come out, he wanted to get it to me at the first moment, that Oswald was acting as an FBI undercover agent, and that they had the information of his badge which was given as number 179, and that he was being paid $200 a month from September of 1962 up through the time of the assassination. I asked what the source of this was, and he said that he understood the information had been made available so that defense counsel [Melvin Belli] for Ruby had that information, that he knew that the press had the information, and he didn't know exactly where Wade had gotten the information but he [Wade] was a former FBI agent.

That they, that is, Wade before, had said that he had sufficient [evidence] so that he was willing to make the statement.

I brought that to the attention of the Chief Justice immediately, and he said that I should try to get in touch with Carr and ask him to bring Wade up here, and he would be willing to meet with him any time today or tonight to find out what was the basis of this story. I tried to get Carr, but he was out campaigning in Texarkana so . . . it took him quite a while to get back to him and talk to him. I just got through talking to him and he told me the source of the information was a member of the press who had claimed he knew of such an agent, that he [Oswald] was an undercover agent, but he now is coming with the information as to his particular number and the amount he was getting and the detail as to the time when the payments started. Wade said he as well as him did not know the name of the informant but he could guess who it was, that it was given to his assistant, and he was sure that he knew, and he said he was trying to check it out to get more definite information.

Carr said that he could bring Wade in some time the first of the week, but in light of the fact that it was this man of the press and that they did not think it would be broken by the press immediately, although there had been all kinds of stories down there but Carr said there were some 25 to 40 different stories about this being the case . . . but this was the first time that he got something definite as to how they were handling it or how it could be handled by himself. But I was concerned of an undercover agent. He thought that the press would not bring the story without some further proof, and they are working on that now, he said. So he thought that if he brought Wade back on Monday or Tuesday, that that would still take care of any major problem. When he first told us, he said the press had it and he was fearful because he hadn't even gotten this from Wade. He got it from another man that the press would bring it before we could know about it and the Commission would be asked all kinds of questions without having information about it. Now he said Wade told him that the FBI never keeps any records of names . . . .

Rep. Boggs: There is a denial of this in one of these FBI records, as you know . . . .

Sen. Cooper: In this file we had yesterday, one of the lawyers for this fellow who claims to represent . . . Oswald or one of the, Ruby, told about this, do you recall it, he said it was being rumored around.

Mr. Rankin: Yes, it was being rumored that he was an undercover agent. Now it is something that would be very difficult to prove out. There are events in connection with this that are curious, in that they might make it possible to check some of it out in time. I assume that the FBI records would never show it, and if it is true, and of course we don't know, but we thought you should have the information . . . And Mr. Carr said that they . . . thought that they knew why the FBI was so willing to give some of these records to the defense counsel . . . he said a number of these records were furnished by the Texas authorities, and that they should not be given up to the defense counsel, and that the reason he thought that they were so eager to help Ruby was because they had the undercover, that Oswald was the undercover agent and had the number of his badge and so much, he was getting $200 a month and so forth, and that was the way it was explained as his justification to the court as a basis for determining the records and that that was the excuse the FBI, the reason the FBI had for being so eager to give the records up. That is the way it was developed . . . I did talk to Jaworski [Leon] and he said he didn't think Wade would say anything like this unless he had some substantial information back of it, and [Jaworski] thought he [Wade] could prove it, because he thought it would ruin many politics, in Texas, to be making such a claim, and then have it shown that there was nothing to it . . . .

Rep. Ford: How long ago did they get a feeling that there was some substance to the rumors that apparently had been—I just assumed, and I didn't ask them that, that Carr called me and seemed to be in a matter of great urgency at 11:10 this

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morning, and that he was fearful that they would bring in the papers before we would even get to know about it, and that is the way he was talking and acting about it.

Sen. Cooper: He felt there was . . . He didn't know the name of the informant?

Mr. Rankin: No, he did not.

Chairman: What then would lead him to think it had substance?

Mr. Rankin: Well, he said that the reason he thought it might have substance was because Wade had heard these rumors constantly . . . .

Sen. Cooper: How would you test this kind of thing?

Mr. Rankin: It is going to be very difficult for us to be able to establish the fact in it. I am confident that the FBI would never admit it, and I presume their records will never show it, or if their records do show anything, I would think their records would show some kind of a number that could be assigned to a dozen different people according to how they wanted to describe them. So that it seemed to me if it truly happened, he did use postal boxes practically every place that he went, and that would be an ideal way to get money to anyone that you wanted as an undercover agent, or anybody else that you wanted to do business that way with without having any particular transaction.

Rep. Ford: There might be people who would see what was going on with that particular box, because the postal authorities do watch, they have means of watching in many places that no one could see. They can watch the clerks as to what they are doing in these boxes, and they can watch the individuals that are going in and out. They do that only when they have an occasion to be suspicious, but they might, in watching for somebody particularly, they might also see other things that they just have to note. That is a possibility.

At this juncture, the Commission tried to understand why the FBI might ever have employed Oswald in any capacity. Here Dulles volunteered his CIA background to help search for possible reasons.

Mr. Dulles: What was the ostensible mission? I mean when they hire somebody they hire somebody for a purpose. It is either . . . Was it to penetrate the Fair Play for Cuba Committee? That is the only thing I can think of where they might have used this man. It would be quite ordinary for me because they are very careful about the agents they use. You wouldn't pick up a fellow like this to do an agent's job. You have got to watch out for your agents. You really have got to know. Sometimes you make a mistake.

Rep. Ford: He was playing ball, writing letters to both the elements of the Communist parties. I mean he was playing ball with the Trotskyites and with the others. This was a strange circumstance to me.

Mr. Dulles: But the FBI get people right inside you know. They don't need a person like this on the outside. The only place where he did any at all was with the Fair Play for Cuba Committee.

Rep. Boggs: Of course it is conceivable that he may have been brought back from Russia you know.

Mr. Rankin: If he was in the employ from 1962, September 1962, up to the time of the assassination, it had to start over in Russia, didn't it, because didn't he get back in February? . . . .

Mr. Dulles: They have no facilities, they haven't any people in Russia. They may have some people in Russia but they haven't got any organizations of their own in Russia . . . They might have their agents there. They have some people, sometimes American Communists who go to Russia under their guidance and so forth and so on under their control . . . .

Mr. Rankin: One of the strange things that happened, and it may have no bearing on this at all, is the fact that this man who is a defector, and who was under observation at least by the FBI, they say they saw him frequently, could [be] with a passport that permitted him to go to Russia. From my observations of the case that have come to us, such passports are not passed out with that ease.

Mr. Dulles: I think you are wrong on that . . . Because the passports are issued valid for anywhere except specified countries . . . But any American, practically any American, can get a passport that is good for anywhere. An American can travel and Russia is one of the countries you can now travel to. . . .

Chairman: I think our general counsel and I both have some experience in cases that have come before our court which would indicate that that isn't exactly the fact . . . They have great difficulty, some of them, in getting a passport to go to Russia.

Rep. Boggs: Particularly for someone who has any Communist . . . .

Mr. Rankin: The State Department knew he was a defector. They arranged for him to come back.

Mr. Dulles: But it don't get passport files or the passport records. They are issuing hundreds and thousands of passports. They have their own particular system . . . They don't run around from time a man comes in. If they don't find any clue, and they don't according to our record here, they don't find any warning clue in his file—they should have a warning clue in his file.

Sen. Cooper: That is what they admitted, that they had not supplied the warning.

Mr. Dulles: And the Passport Office don't on its own usually go around and inquire. They wait until it is assigned there. Then they follow it up.

Sen. Cooper: This may be off the point a bit, but as I re-read the report, the chronology of the FBI checks on Oswald, they knew that he had gone to Texas. They learned from Mrs. Paine: they knew where Mrs. Oswald was living. They talked with her. They knew where he was working . . . .

Rep. Boggs: . . . You will find the report from the FBI dated back last summer, and months before that and then months after that. . . .

Mr. Rankin: They had a report on many, they had an agent go and see him when he was in prison . . . in New Orleans . . . and he lied to them before the police. He said his wife was a Texas girl, and he married her in Texas, and a whole string of stuff, and in Dallas they had a report prior to that that was definitely contrary to it.

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Rep. Boggs: The fellow [Edward] Butler who works for the . . . organizations . . . to disseminate and tie Communist propaganda to Latin America, is the one who confronted him on the streets in New Orleans . . . Butler says that this was the first time that they established that he had been in Russia and that he had defected at one time and then returned. You have undoubtedly in your files . . . that tape that was made . . . in New Orleans. . . . On that tape . . . he gives the normal Communist line, reaction to everything.

Sen. Cooper: How do you propose to meet this situation?

Rep. Boggs: This is a serious thing.

The allegation that Oswald might have been an FBI informer became immensely troubling to the Commission in the light of the bureau's insistence from the very outset that he was the assassin and that there was no conspiracy. As Rankin said, the FBI wanted the Commission to "fold up and quit." The discussion in the Commission made it clear that suspicions were developing that the FBI could be so convinced of Oswald's guilt as the lone gunner because it had him under control. It was a devastating thought. The Commission was so aghast that Dulles even suggested that the record of their session be destroyed. At that stage, the disposition of the Commission seemed to be to conceal evidence, if it actually developed into evidence, to spare the nation an intolerable truth. Rankin sought to place it all in perspective.

Mr. Rankin: I thought first you should know about it. Secondly, there is this defector too that is somewhat an issue in this case, and I suppose you are all aware of it. That is that the FBI is very explicit that Oswald is the assassin or was the assassin, and they are very explicit that there was no conspiracy, and they are also saying in the same place that they are continuing their investigation. Now in my experience of almost nine years, in the first place it is hard to get them to say when you think you have got a case tight enough to convict somebody, that that is the person that committed the crime. In my experience with the FBI they don't do that. They claim that they don't evaluate, and it is uniform prior experience that they don't do that. Secondly, they have not run out of all kinds of leads in Mexico or in Russia and so forth which they could probably . . . They haven't run out all the leads on the information and they could probably say—that isn't our business . . . But they are concluding that there can't be a conspiracy without those being run out. Now that is not (normal) from my experience with the FBI . . . Why are they so eager to make both of those conclusions . . .the original report and their experimental report, which is such a departure. Now that is just circumstantial evidence, and it don't prove anything about this, but it raises questions. We have to try to find out what they haven't said that would give any support to the story, and report it to you. . . .

The transcript becomes unclear at this point in identifying the speakers participating in the discussion as to which FBI official would know whether Oswald had, indeed, been an undercover agent. Rankin, replying to questions, said that Alan H. Belmont, whom he described as being in the FBI's Special Security Division, would know "every undercover agent."

Mr. Rankin: . . .When the Chief Justice and I were just briefly reflecting on this we said if that was true and it ever came out and could be established, then you would have people think that there was a conspiracy to accomplish this assassination that nothing the Commission did or anybody could dissipate.

Rep. Boggs: You are so right.

Mr. Dulles: Oh, terrible.

Rep. Boggs: Its implications of this are fantastic, don't you think so?

Chairman: Terrific.

Mr. Rankin: To have anybody admit to it, even if it was the fact, I am sure that there wouldn't at this point be anything to prove it.

Mr. Dulles: Lee, if this were true, why would it be particularly in their interest—I could see it would be in their interest to get rid of this man but why would it be in their interest to say he is clearly the only guilty one? I mean I don't see that argument that you raise particularly shows an interest. . . .

Mr. Rankin: They would like to have us fold up and quit.

Rep. Boggs: This closes the case, you see. Don't you see?

Mr. Dulles: Yes, I see that.

Mr. Rankin: They found the man. There is nothing more to do. The Commission supports their conclusions, and we can go on home and that is the end of it.

Mr. Dulles: But that puts the burden right on them. If he was not the killer, and they employed him, they are already it, you see. So your argument is correct if they are sure that this is going to close the case, but if it don't close the case, they are worse off than ever by doing this.

Rep. Boggs: Yes, I would think so. And of course, we are all even gaining in the realm of speculation I don't even like to see this being taken down.

Mr. Dulles: Yes. I think this record ought to be destroyed. Do you think we need a record of this?

Mr. Rankin: I don't, except that we said we would have records of meetings and so we called the reporter in the formal way. If you think what we have said here should not be upon the record, we can have it done that way. Of course it might. . . .

Mr. Dulles: I am just thinking of sending around copies and so forth. The only copies of this record should be kept right there.

Rep. Boggs: I would hope that none of these records are circulated to anybody. . . .

Meeting of the Commission on January 27, 1964

Five days after its secretive emergency meeting of January 22, the Commission was convened by Chief Justice Warren to decide what to do about the reports that Lee Oswald may have been an FBI undercover agent. The Commission (minus Rep. Ford, who was away that day) spent more than two hours of its three-and-a-half-hour afternoon session agonizing over ways of approaching J. Edgar Hoover on the subject of Oswald.

The Commission, as it became increasingly clear throughout the afternoon, was caught between its concern that Hoover's written denial of Oswald's alleged employment by the FBI would not be believed by the public and its own fear of antagonizing Hoover if it attempted to embark on its own investigation of the charges. The

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point was repeatedly made that Hoover might feel that he was being investigated by the Commission if, as suggested by many members, he were asked to produce documentary evidence that he was telling the truth. The discussions produced the impression that the commissioners were, in a sense, afraid of Hoover, whose national popularity and reputation were repeatedly alluded to. Yet, they were in a dilemma, almost convinced that there might be no way of discovering the truth. In other words, they feared they could never prove the negative, i.e that Oswald had never been in the FBI's employ.

This doubt was further compounded by Allen Dulles who, drawing on his experience as CIA Director, virtually assured the Commission that, even if they were true, Hoover would never confirm the charges. He acknowledged that in his own case, he would not have told the truth about his undercover agents, even under oath, to anybody except the President of the United States.

The counterpoint to this discussion was the oft-expressed sense of frustration about the FBI. The panel recognized its utter dependence on the FBI and its own inability to develop alternate sources of information. In anger, several Commissioners and J. Lee Rankin, the General Counsel, complained that the FBI was imposing its own conclusions on the Commission—that Oswald, acting alone, was President Kennedy's assassin—and that it simply wanted the panel to endorse the bureau's findings.

In what was the most dramatic executive session to date, the Commission took two hours to agree on instructions to Rankin on how to approach Hoover—without antagonizing him. As the ssession opened, Rankin summarized the situation for the Commissioners, repeating the information from Waggoner Carr, the Texas attorney general, that the charges concerning Oswald's possible connection with the FBI were developed in hearings in the chambers of the judge who was to preside over the forthcoming trial of Jack Ruby. According to Rankin, this came about when Ruby's lawyers asked for FBI materials to help prepare their case, but were turned down by Dallas County District Attorney Henry Wade on the request of the FBI. However, Carr said, according to Rankin, that the FBI might make an exception in this case because "Oswald was an undercover agent for the FBI." The seeming contradiction was never adequately explained—as so many other things were not made clear to the Commissioners—though it fitted into the strange theory developed at the Commission's meeting five days earlier that by leaking the suggestion that Oswald had been an FBI informer, the bureau would effectively close the case in terms of a conspiracy to kill President Kennedy.

The FBI, as we have seen, had rejected the conspiracy theory. The Commission was disturbed by the vagueness of the charges: the sources were a Houston newspaper and a Dallas County deputy sheriff who might have been repeating the newsman's story. The allegations were also published early in January in The Nation, *and the Commission had a new Secret Service report repeating the charges.*

Mr. Rankin: They said that the rumors were constant there that Oswald was an undercover agent, but they extended it also to the CIA, saying that they had a number for him assigned to him in connection with the CIA and gave that to him, and none of them had any original information of their own.

They said that the source of their information was a man by the name of Hudkins who was a reporter for the *Houston Post*, and that it had been circulated by a greater portion of all the reporters in the Dallas area who had been working on this matter in various forms . . . We did discover, amongst the papers that we received from the Secret Service, a report . . . which referred to a Mr. [Allan L.] Sweatt, who was the Deputy Sheriff in Dallas County, in which he said that Oswald was an undercover agent and was being paid so much a month for some time back to September, and that it had a number which he gave and that report as No. 172. This report by the Secret Service agent was of a conference or inquiry that he made in the area to Sweatt back on December 17th. The report was dated January 3, and we didn't get it until January 23 . . . At the time when this matter first came to our attention, the Chief Justice asked [the] Secret Service agent who was working here, [that] if there was anything about this in their files that he would get it if there was and bring it to him directly personally . . . .

We didn't know what to expect from this, because that was 20 days after the date of that report, and we wondered whether the Secret Service was withholding something from us, since they had this in their hands clear back on January 3 . . . .

The explanation since has been that they were trying to check it out, that there was no purpose to withhold it from us even though it seemed like kind of a long period since they hadn't gotten any further report from Mr. Sweatt at all . . .

Mr. Dulles: He was the one who gave it to the Secret Service?

Mr. Rankin. Yes . . . They have since then, the Secret Service, has investigated, we asked them to, and they have gone to Sweatt and Sweatt has said he got it from Hudkins. Back to the same source . . . And there is nothing that we have received from any investigative agency checking out Hudkins in regard to this report . . . Those stories we generally discount as possibly an effort to blame the FBI for some of the matters involved . . . [Wade] did say he has had considerable experience with the FBI, and knew their practices, that he handled as much as $2,000 a month during the war period in which he paid off informers and undercover agents in South America, and he knew that it wasn't revealed on any records he ever handled who he was paying it to and he never got any receipts, and it wasn't the practice to get receipts; that he would have a list of numbers in his office, that was one of the most closely guarded records that he had, and he would put down the amount he paid off, including such people as the head of the government in Ecuador, or the police in Ecuador and he said that he was paying him more than his salary each month, so that they got better service than the local government did . . . .

He was frank, however, about stating that he didn't know whether that practice continued, he didn't know how they were doing it, that was a long time ago and how the FBI would handle any such transaction now . . . He didn't indicate that he was sure that this was the case at all. He just indicated that it was a possibility, and some of the things that had happened he thought were curious. . . .

Having listened to Rankin's report, the Commission was faced with the puzzle of what it could—or should—do about the charges against the FBI. Sen. Russell asked whether these allegations could be cleared up. The immediate problem was whom to approach first.

Mr. Rankin: We thought, first, about approaching the Justice Department with a request that the Attorney General [Robert F. Kennedy] inform us as to the situation not only as to what he would say about whether Oswald was or was not an undercover agent, but also with the supporting data that

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the Commission could rely upon, and there is some difficulty about doing that. As the head of the department, the FBI, of course, is under the attorney general, but I think we must frankly recognize amongst ourselves that there is a daily relationship there involved in the handling of the problems of the department and the work of the FBI for the department and that we wouldn't want to make that more difficult . . . that it is the feeling of the department, not the attorney general because he is not here, but Mr. Katzenbach, and Mr. Miller, assistant attorney general in charge of the Criminal Division, that such a request might be embarrassing, and at least would be difficult for the attorney general, and might, if urged, while we would get the information we desired, make very much more difficult for him to carry on the work of the department for the balance of his term.

Sen. Russell: If he would transmit to us what they told him, the FBI has a very large measure of autonomy in their operations.

Mr. Rankin: In light of that, I suggested the possibility for the Commission to consider that I should go over and see Edgar Hoover myself, and tell him this problem and that he should have as much interest as the Commission in trying to put an end to any such speculations, not only by his statement, which I would be frank to tell him I would think would not be sufficient, but also if it was possible to demonstrate by whatever records and materials they have that it just couldn't be true, and see if we couldn't get his cooperation to present that with the understanding that the Commission at the time, the Commission would have to feel free to make such other investigation and take testimony if it found it necessary, in order to satisfy the American people that this question of an undercover agent was out of the picture. To examine [James P.] Hosty, the FBI agent who was working in that area, and to examine the special agent in charge of the area, and to examine Mr. Hoover, under oath, right up the line. . . . We do have a dirty rumor that is very bad for the Commission, the problem and it is very damaging to the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this Commission. . . .

Chairman: Well, Lee and I both agreed that we shouldn't leave this thing in this present posture, that we should go ahead and try to clear the matter up as best we can. We did argue a little about the approach, whether we should go first to the FBI and ask them for an explanation or whether we should first go and try to see if there is any substance to the claim by interrogating the newspaperman who claims that he has the knowledge of the situation, or whether we should first go to the bureau . . . Lee felt it would be the better part of cooperation to go over and see Mr. Hoover and tell him frankly what the rumor was, state that it is pure rumor, we haven't evaluated the facts, but ask him, first, if it is true, and secondly if he can supply us with information to establish that these facts are not true, and they are inconsistent with what would be the way of operation of their bureau . . . I rather dislike going to the FBI and just ask them to establish to us that a rumor can't be true until we have at least looked into it.

Sen. Russell: If you went down there in the first instance to the FBI and got a statement and when you start pursuing it you would look like you are impeaching . . . I think the best way to handle it would be to try to exhaust it at the other hand before you go to the FBI . . . .

Rep. Boggs: . . . If you get a statement from responsible officials in that agency and then you say, "Well, we are not going to take this statement on face value, we are going to go behind it," this could become a matter of grave embarrassment to everybody . . . .

Still, as the Commissioners were beginning to realize, there was no assured way of doing away with the allegations linking Oswald to the FBI. The point that dawned on the Commission was that intelligence agencies tend to deny such charges regardless of their accuracy. And the Commission could not even be certain that the FBI would be telling the truth in denying the Texas charges. Allen Dulles's expert opinion on intelligence agency practices served to compound the doubts.

Sen. Russell: If Oswald never had assassinated the President or at least been charged with assassinating the President and had been in the employ of the FBI and somebody had gone to the FBI they would have denied he was an agent.

Mr. Dulles: Oh, yes.

Sen. Russell: They would be the first to deny it. Your agents would have done exactly the same thing.

Mr. Dulles: Exactly. . . .

Sen. Cooper: If you have these people up from Texas and examine them, of course the FBI will know that.

Mr. Rankin: They already know about this apparently . . . I just don't think that they [the Texas officials] are going to come out and say they fabricated this, if it is a fabrication. It is too serious for that.

Rep. Boggs: Of course, we get ourselves into a real box. You have got to do everything on earth to establish the facts one way or the other. And without doing that, why everything concerned, including everyone of us is doing a very grave disservice. . . .

Sen. Cooper: . . . Before you asked Mr. Hoover you present us with all the proof to the contrary, because as you say, if he presents all this proof to the contrary, then the situation changes a little bit. It would appear to him that you are trying to impeach his testimony. . . .

Mr. McCloy: Do we have a statement from Mr. Hoover that this man was not an agent? Was that communicated in the record?

Mr. Rankin: Yes. . . .

Mr. McCloy: I would like to examine again this relationship between the Department of Justice and the FBI. Just why would it be embarrassing for the attorney general of the United States to inquire of one of his agencies whether or not this man who was alleged to have killed the President of the United States, was an agent.

Does the embarrassment supersede the importance of getting the best evidence in such a situation as this?

Mr. Rankin: Well, I think it is a question of whether we have to put him into that position in order to get the job done, because there is, in my opinion, not any question but what there will be more friction, more difficulty with his carrying out his responsibilities, and I think we have a very real problem in this Commission in that if we have meetings all

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the time and they know what it is about ... and we are meeting rather rapidly here in the last few days, and they can guess probably what it is about, certainly after the meeting with the Texas people. ...

Sen. Cooper: In view of all the rumors and statements that have been made not only here but abroad, I think to ask the President's brother, the dead President, to do this, it wouldn't have any backing in it. It would have no substance in his purpose but some crazy people would translate it from his official position to a personal position. It may sound far fetched but he would be implying as a person that something was wrong. You can't overlook any implications.

Mr. McCloy: I think that would perhaps be an element in the thing, but it still wouldn't divert me from asking this man who happens to be the attorney general whose sworn duty it is to enforce justice, to ask him just what is within his knowledge in regard to such a serious thing as this. It is [an] awkward affair. But as you said the other day, truth is our only client ... I think we may have to make this first step, that the senator speaks about, but I don't think that we could recognize that any door is closed to us, unless the President closes it to us, and in the search for the truth ....

Mr. Rankin: I don't see how the country is ever going to be willing to accept it if we don't satisfy them on this particular issue, not only with them but the CIA and every other agency ....

Mr. McCloy: In reading over this testimony again, this morass of testimony or evidence we have got here, I notice that Mrs. Oswald, the mother, said perhaps he was an agent, perhaps he might have been an agent, in trying to explain why he went to the Soviet Union.

Chairman: She has made statements on that. . . .

Mr. Dulles: Since this has been so much out in the public, what harm would there be in talking to Hoover without waiving any right to make any investigation in the public. . . . There is a terribly hard thing to disprove, you know. How do you disprove a fellow was not your agent. How do you disprove it.

Rep. Boggs: You could disprove it, couldn't you?

Mr. Dulles: No.

Rep. Boggs: I know, ask questions about something—

Mr. Dulles: I never knew how to disprove it.

Rep. Boggs: Did you have agents about whom you had no record whatsoever?

Mr. Dulles: The record might not be on paper. But on paper would have hieroglyphics that only two people knew what they meant, and nobody outside of the agency would know and you could say this meant the agent and somebody else could say it meant another agent.

Rep. Boggs: Let's take a specific case, that fellow Powers was one of your men.

Mr. Dulles: Oh, yes, he was not an agent. He was an employee.

The reference is to Francis Powers, the U-2 pilot, who was shot down over the Soviet Union in 1960

Rep. Boggs: There was no problem in proving he was employed by the CIA.

Mr. Dulles: No. We had a signed contract.

Rep. Boggs: Let's say Powers did not have a signed contract but he was recruited by someone in CIA. The man who recruited him would know, wouldn't he?

Mr. Dulles: Yes, but he wouldn't tell.

Chairman: Wouldn't tell it under oath?

Mr. Dulles: I wouldn't think he would tell it under oath, no ... He ought not tell it under oath. Maybe not tell it to his own government but wouldn't tell it any other way.

Mr. McCloy: Wouldn't he tell it to his own chief?

Mr. Dulles: He might or might not. If he was a bad one then he wouldn't.

Rep. Boggs: What you do is you make out a problem if this be true, make our problem utterly impossible because you say this rumor can't be dissipated under any circumstances.

Mr. Dulles: I don't think it can unless you believe Mr. Hoover, and so forth and so on, which probably most of the people will.

Mr. McCloy: Allen, suppose somebody when you were head of the CIA came to you, another government agency and said specifically, "If you will tell us," suppose the President of the United States comes to you and says, "Will you tell me, Mr. Dulles?"

Mr. Dulles: I would tell the President of the United States anything, yes, I am under his control. He is my boss. I wouldn't necessarily tell anybody else, unless the President authorized me to do it. We had that come up at times.

Mr. McCloy: You wouldn't tell the Secretary of Defense?

Mr. Dulles: Well, it depends a little bit on the circumstances. If it was within the jurisdiction of the Secretary of the Defense, but otherwise I would go to the President, and I do on some cases.

Mr. Rankin: If that is all that is necessary, I think we could get the President to direct anybody working for the government to answer this question. . . .

Mr. Dulles: What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow.

Mr. McCloy: Mr. Hoover didn't have anything to do with him but his agent. Did you directly or indirectly employ him?

Mr. Dulles: But if he says no, I didn't have anything to do with it. You can't prove what the facts are. There are no external evidences. I would believe Mr. Hoover. Some people might not. I don't think there is any external evidence other than the person's word that he did or did not employ a particular man as a secret agent. No matter what.

Mr. McCloy: If we get a statement from the Department that the Attorney General and perhaps from Mr. Hoover or from Mr. Hoover which said, "I am telling you that this man was not in any way employed by the FBI", or in the case of John McCloy or the CIA, I think that probably stops us, unless we

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run into something—

Mr. Dulles: That would be all right with me. Whether it meets with the others—

Mr. McCloy: Now there is put in our hand a document that shows he was paid a certain amount of money. Maybe we would have to go further than that but I think it would be almost incumbent upon us to ask the head of the agencies whether or not this man was an employee.

Rep. Boggs: Just to examine a little further your statement. I would believe that could establish whether or not this fellow got $200 a month, almost certainly establish it.

Mr. Dulles: How could you? He is dead and you haven't got his bank account or anything of that kind.

Sen. Russell: The only trouble is these undercover agents they don't keep one line of writing, not one word anywhere.

Mr. Dulles: Sometimes you very often, in the Soviet, they did it all the time, they wanted to compromise a person and they would deliberately see that there was a record, they would keep it, and they would force money on people, and force money, people to give receipts, sometimes they would want to do that. But that is when you are, I don't know whether too much of this should be on the record as far as the Soviet is concerned. If you want to incriminate someone and tie them to you, you would give them money and give them a receipt. But that doesn't by any means overlap. But on occasion.

Sen. Russell: Is that when you would want to blackmail him?

Mr. Dulles: That is correct. Klaus Fuchs, take [Alger] Hiss with the rug, they wanted to have some evidence, he couldn't run away then, he was caught, he was trapped. . . .

Mr. Rankin: Allen, how would you feel about it, if you were head of the CIA now, and the same claim was made and this Commission was worried about the claim being believed by the public, and they would ask you, would you want the Commission to come to you directly?

Mr. Dulles: Oh, yes, certainly I would.

Mr. Rankin: Or would you want us to go out and examine witnesses first?

Mr. Dulles: I think I would want you to come so I could give you leads as to how you could examine witnesses if you wanted to.

Mr. Rankin: If you had us out examining witnesses about whether you had the man in your employ, would you feel that we were not very fair to you?

Mr. Dulles: No, I don't think I would . . .

Mr. McCloy: Do you think it might be quite appropriate for us?

Mr. Dulles: It would depend whether there were international complications or foreign governments involved, then I might say we would do it in this way or that way to keep from being in trouble with the foreign country. But as far as the US.

Mr. McCloy: But wouldn't we be putting your agency in great trouble if we went out finding out who your agents were and put out the report and make it public knowledge, wouldn't you think it strange if we didn't come to you with our problem?

Mr. Dulles: Yes, I think it would be. . . .

Mr. Rankin: Then you would leave doubt you were out investigating around before you had any real leads.

Mr. McCloy: We might get a lead and then we have it and then we have to publish.

Sen. Russell: There is no man in the employ of the federal government who stands higher in the opinion of the American people than J. Edgar Hoover.

Mr. Dulles: That is right.

Sen. Russell: Of course, we can get an affidavit from Mr. Hoover and put it in this record and go on and act on that but if we didn't go any further than that, and we don't pursue it down to Hudkins or whoever it is, there still would be thousands of doubting Thomases who would believe this man was an FBI agent and you just didn't try to clear it up and you just took Hoover's word.

Personally, I would believe J. Edgar Hoover, I have a great deal of confidence in him . . . But the other people—I would believe, a simple statement as Holy Writ, this one statement without being under oath, but you can't try cases that way, and you can't base the conclusions of this Commission on that kind of material . . . .

Mr. McCloy: I think it would be wrong for us to start an independent examination of who the agents of this, of the various law enforcement agencies of the country were without notifying the head of that agency that we were doing it and why we were doing it . . . You would communicate with the head of the agency, whether it be the attorney general or Mr. Hoover or John McCone, whoever it might be, at the same time you would be taking a look at Hudkins [The newspaperman] . . . .

Mr. McCloy: They [The FBI] are not on notice of these last developments in the Commission, the last information.

Sen. Cooper: They probably have notice that these people have been here, and therefore suspect already that we are looking into it because knowing exactly what we are doing. . . .

Mr. McCloy: Katzenbach says they will be embarrassed.

Mr. Rankin: Greatly embarrassed. . . .

Chairman: But they seemed to think there would be no embarrassment for us to check it out ourselves. They think that is all right, they think it is all right for us to do that . . . I am not going to be thin-skinned about what Mr. Hoover might think, but I am sure if we indicated to Mr. Hoover that we were investigating him he would be just as angry at us as he was, or would be at the Attorney General for investigating him . . . The better way to do it would be to try to establish in our own minds whether or not there is any truth to this thing . . . and if we decide that there is nothing to it except rumor, as far as we can find, I would still ask Mr. Hoover to report to us on it, tell him that this rumor has persisted, that Oswald was on the payroll of the FBI, and that the date of his employment was stated, his number was stated, his wages were stated, and that we would like anything he has in his records or through his investigation to disprove that thing.

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Now, I don't see how a man in a public position whose own reputation is at stake in the thing, could object to such procedure. I don't think that is unfriendly in any way, shape or form. But I do believe, if we just go and indicate to Mr. Hoover that we are now investigating his probity without having tried to determine whether it is fact or fiction, that he might have reason to believe that we were doing it. . . .

Mr. Dulles: We ought to go to him.

Chairman: We must go into this thing from both ends, from the end of the rumormongers and from the end of the FBI, and if we come into a cul-de-sac, why, we are there but we can report on it. . . .

Mr. Dulles: I agree ... I don't think there is necessarily a question of probity. It might look so to the country. It is Mr. Hoover's job to watch the Fair Play for Cuba Committee and to try to penetrate it in any way he could. The reason I don't believe it is this fellow was so incompetent that he was not the kind of fellow that Hoover would hire. If this fellow was hired, I wouldn't discredit this might be a normal thing to do, but he was so stupid. Hoover didn't hire this kind of a stupid fellow, but for him to want to penetrate the Fair Play for Cuba Committee and find out what it is doing in this country is just as much of his duty as it is to penetrate the Communist Party in this country and he has been doing that right along. . . .

Mr. McCloy: I wouldn't put much confidence in the intelligence of all the agents I have run into. I have run into some awfully stupid agents.

Mr. Dulles: Not this irresponsible.

Mr. McCloy: Well, I can't say that I have run into a fellow comparable to Oswald but I have run into some very limited mentalities both in the CIA and the FBI.

(Laughter)

Chairman: Under agents, the regular agents, I think that would be right, but they and all other agencies do employ undercover men who are of terrible character.

Mr. Dulles: Terribly bad characters.

Sen. Russell: Limited intelligence, even the city police departments do it.

Chairman: It takes almost that kind of a man to do a lot of this undercover work.

Mr. Dulles: They ought to be fairly smart. They may not be of high moral character but they ought to be fairly smart.

Mr. McCloy: Most of them certainly are. But you couldn't base an argument on the fact that the man, because he is not intelligent hasn't been retained.

Mr. Rankin: Would it be acceptable to go to Mr. Hoover and tell him about the situation and that we would like to go ahead and find out what we could ... Then if he reacts and says, "I want to show you that it couldn't be", or something like that, beforehand, what about that kind of an approach?—

Chairman: I don't believe we should apologize or make it look that we are in any way reticent about making any investigation that comes to the Commission.

But on the other hand, I don't want to be unfriendly or unfair to him. . . .

Mr. Rankin: What I was fearful of was the mere process will cause him [Hoover] to think that we are really investigating him.

Chairman: If you tell him we are going down there to do it, we are investigating him, aren't we?

Mr. Rankin: I think it is inherent.

Chairman: If we are investigating him, we are investigating the rumor against him, we are investigating him, that is true. . . .

Rep. Boggs: Mr. Dulles, when you headed up the CIA, the notion that you would know the countless informers and people employed by the agencies was fantastic. You couldn't know about all of that.

Mr. Dulles: No, but after a thing like this happens and it is in the paper two or three times I would get hold of the proper person and say, "Have we hired anybody in that particular area?" By this time I would have known whether we did hire him or not ... I had to authorize it. I had to trust that to the other agents.

Mr. McCloy: You would know in this case who, if there was anybody, who would have hired Oswald, who it would be.

Mr. Dulles: Certainly within an area, certainly no one had authority to do it. Now someone might have done it without authority. The CIA has no charter to hire anybody for this kind of work in the United States. It has abroad, that is the distinction ... I don't say it [The CIA] couldn't possibly have done it, but it has no charter of authority to run this kind of agent in the United States; that would be other departments of government, particularly the FBI. We wouldn't investigate the Fair Play for Cuba Committee in the United States, in the CIA. But there is no reason why an inquiry shouldn't go. . . .

Actually, Dulles was misleading the Commission with his statement that because of its charter confining it to operations abroad, the CIA was not involved in domestic intelligence activities. The report of the Rockefeller Commission on "CIA Activities Within the United States," issued in June, 1975, asserted that the agency had been conducting a covert and illegal program of international mail interception at American post offices since 1952. This activity continued during Dulles' tenure as CIA Director and subsequently.

Meanwhile, as McCloy pointed out, the possible link between Oswald and the FBI as well as the question of whether there was a relationship between Oswald and Jack Ruby will "loom up in all probability to be . . . major issues in our investigation.

Mr. McCloy: If he was on the payroll of the FBI they would think he was all right, they would not think of his being a defector . . . It is going to , I think, foment a good bit of comment, and we are going to have to have a very solid record on it. . . .

Mr. Rankin: At the police station, just after the assassination, Hosty, the agent for the FBI in the Dallas area, said that he knew that Oswald had visited two known subversives ... within two weeks of the day of assassination. . . .

Mr. Dulles: Has Hosty been talked to later to get the names?

Mr. Rankin: Nobody has asked him ...

Mr. McCloy: This brings up to my mind again the desirability

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of our talking to the chief investigator of the FBI. We here don't know whether somebody checked up on Hosty again or whether he didn't. Why don't we get him in and just talk with him. I don't know whether we want to examine him under oath but talk to him about the extent of the FBI investigation . . . What have they done? . . . I would think the time is almost overdue for us being as dependent as we are on FBI investigations, the time is almost overdue for us to have a better perspective of the FBI investigation than we now have.

McCloy's exasperation with the Commission's utter dependence on the FBI underscored how nearly impossible was the task facing the Warren Commission. The Commission, having rejected at its first meeting, and on Warren's suggestion, the idea of engaging its own investigators, was now totally at the mercy of the FBI, an agency it wholly distrusted. Yet the Commission was being inexorably pushed by the FBI to accept the bureau's conclusions.

Rankin told McCloy that, in fact, it was not viable to end the Commission's dependence on the FBI.

Mr. Rankin: We had hoped to do that about two and a half weeks ago and we were going to come back to them with a great many obvious questions, and holes in what we have been given. But then we got a supplemental report, and it filled in some of the holes but not all of them, two-thirds of them or more . . . and we didn't want to ask them questions that they would say, 'well haven't you read our supplemental report, it is all there.' Our relations would break down very rapidly if we did business that way, so we had to go and analyze all the new material and, not only the supplemental report, but all their additional raw materials they gave us at that time, and now we are in the process of trying to give them demands. . . .

Mr. McCloy: . . . We are so dependent upon them (The FBI) for our facts that it might be a useful thing to have him before us, or may be just you talk to him, for example, to follow up on Hosty.

The reference is to Belmont, the FBI official in charge of the investigation.

Mr. Rankin: Part of our difficulty in regard to it is that they have no problem. They have decided that it is Oswald who committed the assassination, they have decided that no one else was involved, they have decided. . . .

Sen. Russell: They have tried the case and reached a verdict on every aspect.

Rep. Boggs: You have put your finger on it.

Mr. McCloy: They are a little less certain in the supplementals than they were in the first.

Mr. Rankin: Yes, but they are still there. They have decided the case, and we are going to have maybe a thousand further inquiries that we say the Commission has to know all these things before it can pass on this.

And I think their reaction probably would be, "Why do you want all that? It is clear."

Sen. Russell: "You have our statement, what else do you need?"

Mr. McCloy: Yes, "We know who killed cock robin." That is the point. It isn't only who killed cock robin. Under the terms of reference we have to go beyond that.

Rep. Boggs: The most difficult aspect of this is the Ruby aspect.

Mr. Rankin: That is one very difficult area. Then you have some clear proof of some kind of a Cuban connection there, and there is a difference in regard to the testimony of what it is. You run into clear proof that his brother had some kind of a Cuban connection . . . in Detroit, but that sort of dries up when we try to get at the detail of what it is . . . .

Rankin was referring to reports that Ruby and his brother were engaged in an effort to sell surplus jeeps to Cuba in 1959, after Premier Fidel Castro took power. Jack Ruby, in fact, visited Havana in 1959.

Chairman: Well, Lee, as I understand your approach would be this: You would go to Mr. Hoover and say, "Now, Mr. Hoover, as you know, there are rumors that persist in and around Dallas and it is getting into the national press, to the effect that Oswald was an undercover FBI agent. The rumor has gone to the extent of stating the date on which he was employed, the number under which he was employed, and the amount of money that he received for his services, and that continued up until the time of the assassination.

"Now we are going to have to try to run that rumor down to see if anyone claims positive knowledge or whether it is plain rumor.

"Can you, and will you, give us all the information that you have which will enable us to ferret that thing out, to the very limit?"

Mr. Rankin: That is what I would like to do. Reserving at the same time the right to go to these other people and take their testimony.

Chairman: That would be implicit in it . . . .

Mr. Rankin: I had in mind going to Mr. Hoover and asking him for more than his expression of the truth or falsity of it. Asking him for what he knows his organization presumably, what can he do to help us in regard to the proof of the facts in regard to this particular . . . I am sure Mr. Hoover knows many of these, he may not know about particular individuals, just like Mr. Dulles wouldn't, but he knows who to ask, and ring a button and say, for the record how could we establish this? . . . I am sure within the FBI Mr. Hoover knows where to find out who was hired on any particular date and the basis of it, and I thought if it was my situation, and I was being reflected on that I had had somebody like this under my employ I would like to be approached, first, and I wouldn't feel that it was a reflection on me, or at least I would feel the reflection was already involved in these kinds of articles and claims, and I would rather you would come to me than to go to someone else and ask him about the rumors, and let me see if I couldn't establish it. I don't think the country is going to be satisfied with the mere statement . . . about any intelligence agency that Oswald wasn't hired in light of this kind of an accusation, or rumor.

I think that the country is going to expect this Commission to try to find out the facts, as to how those things are handled to such an extent that this Commission can fairly say, "In our opinion, he was or was not an employee of any intelligence agency of the United States." . . .

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Dulles then made the practical suggestion that Rankin ask Hoover to let him see any reports from FBI agents who had contact with Oswald on different occasions. Rankin replied that the Commission had such reports, "but we don't have any assurances that those are the only reports . . . there could be more reports and all that kind of thing." As we learned in 1975, Rankin was right in his suspicions. He also noted that it was a "curious factor" that FBI agents did not approach Oswald after an interview with him in August although they did talk to Marina Oswald and Ruth Paine during October. It was the October approach to Marina by the FBI that led Oswald in November to write his threatening letter to the Bureau, but the Warren Commission did not know about it at the time. There is no explanation, either, as to why the FBI did not seek out Oswald after he wrote the letter. It could be theorized that had such an FBI contact been made, Oswald might have been prevented from committing the Dallas crime.

Sen. Russell remarked that it was a "queer thing" that the FBI interviewed Marina and Ruth Paine, but not Oswald. Rankin recalled that, according to Marina, two FBI agents had talked to Oswald for two hours in a car shortly after he had returned to the United States in 1962, and that Oswald "was very much disturbed." But, he said, "we don't have any report that would cover anything like a two hour conversation." This, then, was another instance in which the Commission had to weigh the relative credibility of the FBI and such witnesses as Marina Oswald. Finally, Sen. Russell told his colleagues that they had to face reality.

Sen. Russell: It seems to me we have two alternatives. One is we can just accept the FBI's report and go on and write the report based on their findings and supported by the raw materials they have given us, or else we can go and try to run down some of these collateral rumors that have just not been dealt with directly in this raw material that we have.

Rep. Boggs: I think we must do the latter . . . .

Chairman: I think there is no question about it . . . .

Mr. McCloy: We certainly wouldn't be doing the FBI a service and doing the Commission a service . . . .

Sen. Russell: I don't propose to attack the FBI unless there is some startling revelation that they have evaded their responsibility . . . .

Mr. Rankin: I thought from what I know about him [Hoover] that he would say, "We will do anything we can to help you. We will make anything available from our records," and then I would say to him, "You know your records and I don't. What will prove that this rumor is false?" . . .

Chairman: From his standpoint, he couldn't possibly have any proof other than his statement.

Mr. Rankin: Well, he may have a lot of proof . . .

Finally, the Commission voted unanimously to let Rankin approach Hoover in whatever way he thought best. After hours of discussion—and all the handwringing about upsetting Hoover—the Commission was, in effect, turning the responsibility to its general counsel.

Rankin then outlined at length the areas of investigation the Commission should pursue. The first area would be the day of the assassination, including all the Presidential plans and the collaboration between the Secret Service, the Dallas police, and the county sheriff. Rankin stressed that "we have difficulty determining the exact time" that Oswald went to Mexico although, presumably, he already knew from newspaper reports late in September that President Kennedy would be coming to Texas in late November. Rankin further argued that a visit to Texas would necessarily include a stop in Dallas, and that the President's motorcade would have to move past the Texas School Book Depository building.

Mr. Rankin: . . . So it is possible he could have made as part of his plans from the time he left to go to Mexico City to try to locate in this building and go ahead with the assassination.

Now, that would assume that it is possible that he talked to people about such plans, and had collaborators concerning them in Mexico City. We do not have enough information about that to know what happened there except we do have information that he tried to get a visa at the Cuban Embassy, and he tried to get a visa at the Soviet Embassy, and we know the hotel he stayed at, and we have a very limited report from the hotel keeper about most of it to the effect that they knew nothing about him, didn't even know that he came or went, although there were seven days between the time he went down on the 26th of September and the third [of October] when he came back. . . . So that we have a wide range of inquiry yet in Mexico City as to the seven days and his activities there.

Sen. Russell: Who has been doing the investigating in Mexico?

Mr. Rankin: The CIA has been working with us in regard to that area, and the FBI has an attaché there who has done some work but most of it has been by the CIA, and we have a question there of how much of our information we have gotten from the FBI in an exhibit to the CIA and prior to that .

Rankin then turned to the details of Oswald's attempt the previous April to assassinate retired Maj. Gen. Edwin A. Walker, his account of it to Marina, and her threat to denounce him to the authorities if he ever repeated such an act. The attempt on Walker's life became known only after Dallas. Rankin told the Commissioners that it was strange that, according to Marina's testimony to the FBI, she had not known that Oswald had gone to Mexico. Another area of investigation outlined by Rankin was the question of President Kennedy's wounds—the point of exit or entrance of the bullet in the front of the neck. He noted that all this material "has to be developed much more than we have at the present time." Rankin pointed to contradictions between Dallas medical reports and the subsequent autopsy. He added: "So the basic problem, what kind of a wound it is in the front of the neck, is of great importance to the investigation." The Commission's uncertainty on this point, of course, would become later the subject of continuing controversy as to how many shots—and from where—were fired at Kennedy.

Mr. Rankin: . . . We think that the wound in the neck has to be related to one of these others, but the problem is difficult to determine because we have a statement from the hospital that the bullet that was more whole than the other was found on the stretcher which they brought the President in to the hospital on, and then we have other testimony later that goes back over the same ground in which the person in charge of the stretcher and the attendant said that this bullet was found under the blanket on the stretcher Gov. Connally was on.

Sen. Russell: I thought it was found on the stretcher of the President.

Mr. Rankin: That was the first story. And that is what we have to deal with, a story of that kind to try to reconcile it with people who actually handled the stretcher that Gov. Connally

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was on and picked the bullet from under the blanket.

Sen. Russell: This isn't going to be something that would run you stark mad . . . .

Mr. Rankin: We have considerable material and we are going to go into the atmosphere, this hate material that was very common in that area in many regards. It was in the newspapers, it was in circulars of various kinds, it was in letters to the editor in the newspaper. It was also involved in sermons from the pulpit in some of those, in at least one of the leading churches of the city, was involved in financing various forms of hate literature in very large amounts from that particular area, and it may well be that it was a contributing factor in not just as was suggested by some as far as the extreme right is concerned, but also in stirring up various elements of the community who were expressing themselves in very extreme forms against anybody in power from the President on down from time to time. . . . The pamphlets were commonly circulated there, and I presume you are familiar with some of the H. L. Hunt's financing of various . . . And all kinds of things coming from out there in substantial amounts and it apparently was not only exacerbating the community in a number of ways, not only of the extreme right and the extreme left, but also the elements of the people more moderately inclined who didn't assert themselves in regard to that . . . and if you let those forces work long enough it will have an effect upon their approach to many problems, and it may be something that the country should well be aware of.

Sen. Russell: Do you think there is evidence of any connection between Oswald and any of those groups? The FBI is supposed to check that out pretty closely.

Mr. Rankin: We have no evidence that is clear that Oswald was connected with anybody but we also have very great problems . . . .

Sen. Cooper: . . . I think we might talk about this hate element too much because . . . people will begin to get the idea, as some have already expressed, of going away from evidence and trying to build up some situation which is apart from the evidence . . . .

Mr. Rankin: Then in the period that they [The Oswalds] lived in Russia, there are manifold problems about the fact that the way he lived, the additional income he received under the name of the Red Cross . . . the question of when that income terminated. She said he had never been to Leningrad. He said he had; she went to Kharkov, and there is no explanation of any communications between the two of them during that period of time.

Rankin went on emphasizing the Commission's lack of knowledge about a whole variety of aspects of Oswald's life in the Soviet Union: why he was paid so much, why the Oswalds moved to a better apartment just as they tried to arrange to go to the US, why she was allowed to leave Russia, what did Oswald do in Moscow for a month before departing for the US, why he belonged to a Soviet gun club, and why, on the way to the US, the Oswalds took an apartment in Rotterdam. Rankin said: "That entire period is just full of possibilities for training, for working with the Soviets, and its agents . . . ."

Mr. Dulles: If she has any chance to tell the Russian Embassy, I don't know whether she will do it or not, she might after this interview, she might get in touch in some way with the Russian Embassy, they would be very anxious to get in touch with her. I guess the guard is such that they couldn't do that.

Mr. Rankin: . . . The Secret Service has been with her constantly . . . I don't know how much longer after we would take her testimony you would want that to continue . . . It hasn't, it isn't going forward yet because we have to ask them about that, and the CIA is going to help us develop the questions, and they have been working . . . .

The next investigation area would be the life of Jack Ruby. Rankin drew a quick biography of Ruby, then went into his activities.

He has apparently all kinds of connections with the underworld, and he had a number of petty arrests, but the convictions were very unimportant. There weren't any — I can't even remember one that amounted to anything.

Mr. Dulles: He never got to jail, did he?

Mr. Rankin: No, he paid a small fine on one or two. There are stories about his being a homosexual, and those don't pan out as far as any real proof, but it seems to be very current. There are also all kinds of stories about his girls and striptease girls and that they — he spent time with them all the time, and there are some stories that he is a bisexual.

There isn't any question but what he planned to go down to Cuba, and he did, and the story was that it was in regard to armaments . . . My recollection is that one of the stories was that he was to try to sell guns and ammunition to Castro.

Chairman: And jeeps . . .

Mr. Rankin: That is all denied, and that he was going down there to make the money on other kinds of sales but not anything that was munitions or armaments. There is no explanation of where he was there, what he did, or who his connections were. He had all kinds of connections with the minor underworld, I think you would call it, in Dallas and Chicago, but I don't — it isn't apparent that any of the important people in the underworld would have given him any consideration at all . . . .

Now, it would seem that he might have — he might be the kind of person they might try to use. He was a habitue apparently of the police department, and was able to go to any part of it at any time, and they knew him . . . .

Sen. Cooper: There hasn't anything been developed to show that they knew each other.

Mr. Rankin: There is no showing of connection, there is no showing that Oswald was the kind of person that would hang around the joints that Ruby had, either . . . .

The Commission apparently gave no credence to claims by a Dallas attorney who told the FBI that he overheard Oswald and Ruby discussing on October 4 (the day after Oswald returned from Mexico) plans to assassinate Gov. Connally of Texas. The attorney said the meeting was at Ruby's Dallas nightclub, the Carousel.

On January 29, Texas Attorney General Waggoner Carr wrote Rankin, suggesting that the Directors of the FBI and the CIA be asked to provide the names of all their agents who were in the Dallas area between August and December, 1963. This was in reference to the allegations that Oswald had served as an FBI undercover informer.

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You want the ozone question So does

And most scientists agree there is time to find the answer.

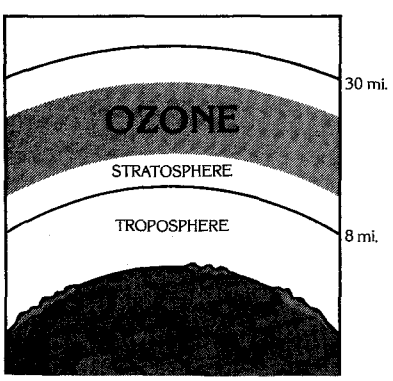
Fluorocarbons are liquids and gases used in refrigeration, for air conditioning, and as propellants in about half the aerosol spray cans sold in this country. Some say that these useful, normally safe compounds will cause a health hazard by attacking the earth's ozone layer. We believe this is an oversimplification.

The point is, to date there is no conclusive evidence to prove this statement. To understand, then, why there is a controversy, it is necessary to unsimplify the issue. We must treat the real world on its own terms, and they are complex.

The model that raised the question.

Ozone is continually created and destroyed by natural forces scientists are seeking to understand. The ozone depletion theory, based on a computer model of the stratosphere, was reported in 1974 by two chemists at the University of California.

This mathematical model calculates how fluorocarbons

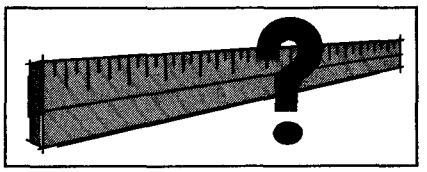


in the stratosphere behave under the influence of a series of variables (such as temperature, altitude, sunlight, chemical concentration) to affect the ozone layer.

In order to estimate hypothetical reactions, and because little is actually known about the real ones, the modelers made a number of assumptions about the way the upper atmosphere behaves.

The unmeasured yardstick.

Before any judgments can be made using this model as a stratospheric yardstick, its accuracy must be determined.



Does it describe the real, three-dimensional world? To find this out, the validity of the modeler's basic assumptions must be determined.

Turning assumptions into facts.

Before a valuable industry is hypothesized out of existence, more facts are needed. To get these facts Du Pont and the other fluorocarbon manufacturers are funding independent technological investigations in universities and research laboratories. Under the direction of acknowledged scientific experts, this research is designed to either prove or disprove the assumptions most important to the computer case against fluorocarbons.

Some research has been carried out since the model was first presented. Scientists now have a better idea of the accuracy of the assumptions in the model.

ASSUMPTION: The ozone-depleting reaction with chlorine from fluorocarbons takes place at a rate that demands an immediate decision on fluorocarbon use.

FACT: Recent determinations of reaction rates disclose that the ozone/chlorine reaction actually takes place at a slower rate than that assumed by the model. In addition, the same research has shown that the reaction of chlorine with stratospheric methane proceeds at a faster rate. Since this reaction tends to remove chlorine from the ozone layer, the net effect of both reactions is to lessen the originally-calculated impact of fluorocarbons. In fact, the impact was overstated by 300%.

RESEARCH: To guide future measurements of stratospheric reactions, a laboratory program has been funded to measure the reactions of chlorine compounds and ozone under simulated stratospheric conditions.

Most scientists agree there is time to conduct the research needed to settle the controversy one way or the other... before a final decision is made on fluorocarbon production and use.

ASSUMPTION: There is no other way to get fluorocarbons out of the atmosphere except by the ozone-depleting reaction.

FACT: One well-known class of chemical reactions not considered in the model is that of chlorine compounds in the

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answered one way or the other.

Du Pont.

atmosphere in heterogeneous reactions.

In an article in SCIENCE (Feb. 14, 1975), Professors S. C. Wofsy, M. B. McElroy, and N. D. Sze of Harvard University caution that "If additional removal processes could be identified... or if additional sinks could be identified for stratospheric odd chlorine, the atmospheric and biological impacts of [fluorocarbons] would be reduced accordingly."

RESEARCH: Atmospheric chemistry involving ion molecule reactions has been described in recent months by several investigators. Reaction rates with ion molecules are known to be extremely fast and are believed to occur primarily in the lower stratosphere.

Thus, ion molecules could react with fluorocarbons, allowing them to be removed from the atmosphere.

ASSUMPTION: Fluorocarbons are the only significant source of chlorine available for interaction with ozone in the stratosphere.

FACT: Many chlorine-containing materials are present in the atmosphere in varying concentrations. Of particular significance, large amounts of methyl chloride and carbon tetrachloride have been discovered in the troposphere and stratosphere.

In addition, new calculations on the injection of gaseous chlorine compounds into the stratosphere from volcanic eruptions have shown this as a significant contributor of chlorine not taken into account by the model.

RESEARCH: Scientists are completing an inventory of chlorine-containing compounds in the atmosphere. It must be determined how nature deals with chlorine from these natural sources, before it can be shown that chlorine from fluorocarbons might pose a threat to the ozone layer.

Additional research.

A fluorocarbon industry research program is funding the development of a computer model that will better reflect the complex chemistry of the stratosphere.

In addition, other studies are under way to broaden our understanding of the total ozone production/destruction balance. These will concern themselves with other stratospheric reactions affecting ozone.

A panel of highly qualified academic scientists will advise on the technical programs covering various facets of the problem. This panel of independent experts will review the projects, providing a critical opinion on the pertinence of each, the probability of their success, and the completeness of the overall investigation.

Conclusion.

Much more experimental evidence is needed to evaluate the ozone depletion theory. Fortunately, as most scientists agree, there is time to gather this evidence. Du Pont has joined with other fluorocarbon manufacturers to provide funds for work by independent university scientists. Governmental agencies are also conducting research to help in the assessment of the theory.

Should the theory be proven correct after all the evidence is in, Du Pont, as we have stated, will stop the manufacture and sale of the offending compounds.

In the meantime, we believe that to act without the facts—whether it be to alarm consumers, or to enact restrictive legislation—is irresponsible. Final decisions cannot be made with only the information at hand.

The independent research described above is presently being carried out by scientists at the following institutions:

Cambridge University—England
Environmental Research and Technology, Inc.
Massachusetts Institute of Technology
State University of New York
The Battelle Memorial Institute
The University of Reading—England
University of California
University of Denver
University of Illinois
University of Maryland
University of Michigan
Washington State University
York University—Canada
Xonics, Inc.

This is the second in a series of discussions by Du Pont to offer a perspective on an important subject. If you would like copies of either this or the first discussion, please write to: FREON*, Room 24517, Du Pont Company. Wilmington, DE 19898.

*Du Pont's trademark for fluorocarbon refrigerants and aerosol propellants.

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On February 4, Carr wrote another letter to Rankin, complaining that the Commission had broken its commitment to the Texas Court of Inquiry that it would let it participate in the Washington-based investigation. The Commission had taken Marina Oswald's testimony after its January 27 session but Texas representatives were not invited. Although this letter, too, is in the Archives, its existence became known only in September, 1975. Carr told The New Republic *that the Commission had committed a serious error in ignoring his suggestion that all Dallas-based FBI and CIA agents be interviewd.*

Meeting of the Commission on February 24, 1964

This was a 10-minute session with only Chief Justice Warren, Sen. Cooper, Rep. Ford, Allen Dulles and General Counsel Rankin in attendance. The Commission was meeting for the first time in four weeks. In the meantime it had taken Marina Oswald's testimony, but it was still unable to dispose of the allegations that Oswald had been an FBI undercover agent. Rankin informed the Commission that affidavits had been obtained from FBI Director Hoover and individual bureau agents as well as interviews with Dallas officials and newspaper reporters. But, Rankin said, all the reports "show negative." Rankin went on to explain the status of the investigation.

Mr. Rankin: ... As you recall, we informed you before that the address in the telephone number book of Lee Oswald had in it the name of [James] Hosty [the FBI agent], and his telephone number and his automobile license, and that it wasn't in the transcription of that information which was furnished to us by the FBI. And we have written to the FBI to ask them, an official inquiry, how that could happen, and to furnish us all of the information concerning that occurrence. And we have not received a reply yet.

Chairman: ... Is there any ... action needed?

Mr. Rankin: No. We plan to follow up on this whole problem, as the Commission has indicated, of claims about undercover agents, and we are going to report to you.

Rep. Ford: There will be reports from other agencies aside from the FBI?

Mr. Rankin: Yes, the same inquiry addressed to them ....

Before adjourning, the Commission held a brief off-the-record discussion, not recorded by the official reporter.

Meeting of the Commission on March 16, 1964

The Commission held a three-minute meeting to approve a resolution governing the questioning of witnesses by staff members. The Commission had existed for three-and-a-half months at the time of this action. The session, attended by Chief Justice Warren, Sen. Cooper, Rep. Ford, John J. McCloy and General Counsel J. Lee Rankin, was the first one since February 24.

Meeting of the Commission on April 30, 1964

This executive meeting of the Commission was more than five weeks after the previous session. Chief Justice Warren, John J. McCloy and Allen Dulles met with Counsel Rankin, for two hours and 15 minutes. Rep. Ford was away in Michigan, Rep. Boggs was in Louisiana, Sen. Russell was busy at the Senate and Sen. Cooper could spend only 30 minutes with the Commission because of pressing Senate business.

Although the Commission had been working for nearly five months and its staff had already conducted 300 interviews of witnesses, the Commissioners were still disturbed about the gaps and contradictions in the material they had been studying. The question of whether Lee Harvey Oswald might have been an FBI or CIA undercover agent remained unresolved. More than three months had elapsed since this allegation was first brought before the Commission — on January 22 — but FBI Director Hoover and CIA Director John A. McCone had not yet testified under oath on this point. This was the black cloud hanging over the Commission. Allegations concerning Oswald's ties with US intelligence agencies were appearing in the world press. Despite a decision by the Commission on January 27 that Mr. Rankin should confront Hoover about the Oswald problem, Sen. Cooper found it necessary on April 30 to insist that "it would be proper to call the heads" of the FBI and the CIA to testify on the Oswald claim. The Commission, it seemed, still feared a confrontation with Hoover. Cooper also urged that Secretary of State Dean Rusk be called to testify on Oswald's stay in Russia between 1959 and 1962, a period that continued to mystify the Commission. Finally Cooper expressed his concern about contradictions between testimony from witnesses before the Commission and press reports on interviews with the same witnesses. Five months into the investigation, the Commissioners had not yet set foot in Dallas; now Cooper was suggesting that the time had really come to visit the assassination site. And, above all the Commission kept worrying about its credibility. It also wondered whether the Secret Service had improved its methods for the protection of the President.

Mr. Dulles: ... With regard to the State Department, I think we also ought to have some testimony from them as to the normal practice *re* American defectors to Russia, get some little background information ... I was interested in this case reported just yesterday about this Soviet couple — the Soviets would not let them leave. I think there are different circumstances in the Oswald case. But still I think we ought to get a little of that testimony.

We had a little question the other day, when the Secret Service were here, about the information with regard to the protection of the President. Certain of that is undoubtedly classified, and we don't want to put on the record where the disclosure of it would endanger the President. But it seems to me that maybe the Commission should hear that testimony — because it is very difficult for us to judge and pass upon whether the protection is adequate or not without knowing what measures are being taken ....

It was already clear that the Commission would not have its report completed on the secret June 1 target date. Rankin told the Commissioners that the transcripts of testimony, depositions and affidavits would be available to them in printed form around June 1. But the problem facing the Commission was how to mold all this material into a comprehensive report. The Commissioners were realizing that a report alone would not be enough, that actual testimony would have to be presented to the public as well.

Mr. Dulles: I suggest that we might want to consider sending a letter to the State Department, merely pressing them to get an answer, if they can, from the Soviet. I think that would be important for the record. The Soviet may not answer in time, anyway. But they always delay, and you never get an answer out of them if you don't keep pressing them.

Chairman: I have spoken twice within the last 10 days to the Secretary of State, and he has told me he is pressing them, and was going to speak to them personally on it several days

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ago ....

Mr. McCloy: ... To come back on the Secret Service report — that part of our charge which relates to the protection of the President ... I was led to this belief more firmly after hearing from several of the Secret Service people that were testifying — even though there may be elements in that ... I think we clearly never want to publish, because it might affect the future security of the President or people next in line — but that we ought to go into that ... and then we can make up our mind what part of it ... could securely be put on the record, and what could be eliminated.

There is one Secret Service man that I think we probably should have testify, and that is Mr. Clinton Hill, who I understand is the man who endeavored to get on the car just after the shots. He was the closest next to Mrs. Kennedy. He was the closest one to the scene, as the pictures show. He could give us some information that might be of pertinence. And I think it would be improvident of us not to hear his testimony at first hand ....

Then you don't have down here ... any suggestion that we interview the President. I am not so sure it is necessary for us to inquire of the President, but I am inclined to think that maybe you or somebody — you, Mr. Chief Justice, could speak to him about it and see what he has to say. Maybe we don't have to put anything on the record — but maybe just to close that particular incident, with that particular piece of testimony.

McCloy appeared to be referring to the alleged ties between Oswald and the FBI.

Mr. McCloy: Then I am also conscious that you, Mr. Rankin, were anxious to get a little more information about Oswald's Mexican trip. There was a period there where there were some gaps.

Mr. Rankin: We got that. We sent a team down there. We have made a complete exploration of it. We are getting some additional material to follow up. But that will be very complete, everything that we could possibly get, and I think that the CIA and the FBI did a remarkably good job down there for us.

Chairman: As I understand it, they had the cooperation of the Mexican authorities, too ....

Mr. Dulles: ... I am not entirely clear in my mind as to the scope of our responsibilities in a matter such as recommendations, as to whether any change should be made with regard to respective functions of the FBI and Secret Service in protecting the President ... The question of transmitting guns in interstate commerce, and boxes at post offices in false names and things of that kind. Are those all matters within our general jurisdiction, to what extent, and should we just point them up, or are we supposed to make recommendations? ...

Chairman: ... There is nothing set about us making any recommendations in this area. But I have an idea that there is something implicit in the establishment of the Commission that we ought to not let this chance go by without at least trying to do what we can to better protect the lives of our Presidents ....

Mr. Dulles: ... We were somewhat surprised, I think, to have the Secret Service testify that when they went down to Dallas, from their own files and records, they were not given a single name that should be investigated or watched or taken care of ....

The theme of credibility was weighing heavily on Warren's mind, leading him to the extraordinary suggestion to involve the heads of the two principal US news services in the investigation. Warren's idea seemed to be that in this fashion the Commission would protect its flank at least as far as the wire services were concerned.

Chairman: ... It might be a good thing if we were to ask to come down here the president of the Associated Press, and the president of United Press International, and tell them that we would like to have them examine their reports and files on the assassination, to confer with their people who are familiar with it, and then perhaps assign one of their top people who could come down here to see us and discuss on a confidential basis — not for publication — anything that may be in their minds as to what should be investigated.

I think that by doing that we could establish to them that we had investigated everything that they might have in their minds. And if there are any areas that are unexplored, we could explore them, and then at the end, perhaps, we could take the testimony of those two gentlemen and ask them — "Now, on the basis of all you have heard from your reporters and from your files and from everything that has been said and done, do you believe there is any area here that is unexplored, do you believe that there is any real conflict that should call for further investigation?" ... And I am just of the opinion that we could get a statement from them that would be of a confirmatory nature so far as our report is concerned. And overseas I would think that if those men with the means they have at hand to get these rumors, and to look into them, that if they were satisfied, it would have a lot to do with allaying some of these rumors.

Mr. McCloy: I think this is an important suggestion, because the extent and the variety and the quantity of this type of article which has appeared throughout Europe makes our report all the more important in order to clarify this situation, because, generally speaking, from the reports that come to me [from] all Europe, ... there is a deep-seated feeling that there is a *deep conspiracy* here, there are elements of suppression involved in it all ...

Dulles thought that the Commission should obtain a copy of a book by the American writer Thomas Buchanan, published in London, raising the conspiracy theory. The book was available in every London bookstore, but Dulles offered to ask "my former associates" at the CIA to "arrange through the British services" to get a copy. This was a good example of how intelligence agencies do things the hard way. McCloy, also worried about opinion abroad, suggested that the State Department brief the Commission "so that we have a better concept of qhat the charges are and what our responsibilities are in connection with that." The Commission then held an off-the-record discussion, presumably on these subjects.

Cooper was concerned that the investigation was "weak" concerning Oswald's activities in the Soviet Union and the circumstances of his return to the United States in 1962. He wanted to know what the State Department had in its records on these points. He also wanted more information about George de Mohrenschildt, a Russian-born oil engineer who, along with his wife, was a member of the Russian-speaking community in Dallas. The couple had befriended Marina Oswald, and, curiously, they seemed to be the only people who had known well both the Oswalds

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and President and Mrs. Kennedy. The deMohrenschildts were living in Haiti at the time of the assassination. There was a touch of mystery surrounding them, and after Warren told Copper that de Mohrenschildt had made a "full deposition," the Commission engaged in an off-the-record debate.

Next, the Commission worried for awhile about the cost of printing enough copies of the final report and accompanying volumes of testimony. Dulles agreed with Warren that most of the testimony (but not all) should be published "so nobody can say you have not tried to make the whole thing secret." Rankin commented that the Budget Bureau told him that "the Commission would get a lot of complaints from the public, and that the President would, too, if there wasn't the supporting materials ..." The Budget people, he said, thought that it would not be desirable just to print the report and place the other materials in the National Archives.

The Commission then turned to a discussion of Jack Ruby as a potential witness.

Mr. Rankin: The last thing that has happened on that ... is the question of his present competency to stand trial, and that issue, according to Texas law, is to be submitted to a jury ... I called (Henry) Wade, Prosecuting Counsel ... He said that this development had come up ... and we would probably not want to be taking any testimony until that question was resolved.

And I would recommend to you that we don't get involved in anything like that until that question is decided, because he might just use the Commission for an exhibit A as to his condition.

Mr. McCloy: I don't see how we can examine anybody whose competency to be examined is in question ....

[Jack Ruby was tried between February 17 and March 14, convicted of the murder, with malice, of Lee Harvey Oswald, and sentenced to death. His lawyers appealed the verdict on grounds of his incompetence.]

Mr. McCloy: You see, they have had the trial... Now it is just this question — I suppose the allegation has frequently occurred — since the time of the trial, under sentence, this fellow has lost his competency, and you don't execute somebody who is incompetent.

Chairman: This, Allen, has absolutely no application legally to his sanity at the time of the commission of the crime. This has to do with his present sanity, and whether you can execute him in his present mental condition.

And if they find him insane, all it will do will be to suspend the power of the State to execute him until such time as they find he is no longer insane.

Mr. Dulles: Does he go to prison?

Mr. McCloy: He goes to a mental institution. It is perfectly clear we cannot examine him at this stage.

Chairman: ... I would think whether they find him sane or insane, if he is willing to talk to us, we should talk to him. Maybe we would not want to take his testimony. But if he is willing to talk to us, I think we ought to talk to him and take his story, and use it for the purpose of checking it out, if we can, and putting it into the record anyway ... But I would not do it at this stage.

Mr. McCloy: Whether he was sane or insane?

Chairman: Yes ....

The Commission turned again to the long-delayed question of some of its members traveling to Dallas to inspect the assassination site.

Mr. Rankin: Well, we have had several members that felt that there should be a visit by members of the Commission to Dallas before a report was made. I have had a number of the staff [who] felt that there probably would be criticism by the public if we didn't have someone from the Commission, maybe one member would be enough, to go down there and see the scene and come back and report to the rest of the members ....

Autopsy pictures of President Kennedy's body also seemed to pose a serious problem for the Commission as Rankin informed the panel. There were contradictions between the reports provided by Texas and National Naval Medical Center doctors, and Gov. John Connally's testimony concerning the trajectory of the assassin's bullets. The Commission appeared to be grappling with the same problems in this area as critics of the report were to do subsequently.

Mr. Rankin: ... We have a very serious problem in the record ... that the bullet ... probably passed through the President and then through Governor Connally. And we now have the testimony of Governor Connally that that couldn't have happened. He is certain it didn't happen. And that the bullet that struck him is one that did not hit the President.

We also have some drawings of President Kennedy which are reconstructions by the men that participated in the autopsy. And these men have not seen those pictures of the autopsy, but they had these drawings made, and we don't know whether those drawings conform to the pictures of the autopsy or not.

Now, I thought we could avoid having those pictures being a part of our record, because the family has a strong feeling about them, and I think we should respect it insofar as can possibly be done, and carry out the work of the Commission— because they don't want the President to be remembered in connection with those pictures ....

But I do feel that a doctor and some member of the Commission should examine them sufficiently so that they could report to the Commission that there is nothing inconsistent with the other findings in connection with the matter in those pictures. In that way we can avoid any question that we have passed anything up that the Commission should know or that we haven't tried to take advantage of information that should be available to us ....

Chairman: ... But without putting those pictures in our record. We don't want those in our record... It would make it a morbid thing for all time to come ....

The Commissioners went back, once more, to their discussion of whether Hoover and McCone should testify before the group about the allegations that Oswald may have been an FBI or CIA undercover agent. They had been dealing with it, inconclusively, for over three months.

Chairman: ... I am inclined to think that we ought to take their testimony. And there is another reason I would like to take their testimony — because of statements both from the right and the left, that there has been a conspiracy. I would like to ask Edgar Hoover whether he has, as a result of the investigation of his bureau, any evidence indicating that there has been a conspiracy with anybody, governmental, individu-

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al, or otherwise. And I think we also ought to ask John McCone the same thing . . . .

Mr. McCloy: Examine him as a brother, rather than as Attorney General.

Chairman: Yes, as brother. And if he was to testify that he had no information, I would think with any reasonable person it would have tremendous force . . . .

Mr. Rankin: . . . I think that what you say about the Attorney General is very important, too, because I notice that the foreign press is sort of picking that up and saying . . . it is hardly believable that the brother of the President would stand by if there was some conspiracy in the United States to dispose of his brother. So I think that might be the most impressive thing we had, was the testimony of those three men . . .,

The last item on the agenda of the April 30 meeting was Presidential protection. However, Rankin reminded the Commissioners that this was "the area that Congressman Ford said he wanted to participate in." Ford was not present at the meeting, and the Chairman agreed to postpone this discussion until the next session. On September 5, 1975, Gerald Ford, now President of the United States, was the target of an abortive assassination attempt in Sacramento, Calif.

Before adjourning, the Commissioners agreed on the necessity of including a biography of Lee Oswald in the final report. Rankin provided an intriguing explanation for this need, perhaps suggesting unconsciously what the Commission's verdict would be.

Mr. Rankin: Some of it will be necessary to tell the story and to show why it is reasonable to assume that he did what the Commission concludes that he did do.

Mr. Dulles: If we left out, for example, his stay in Russia and things of that kind from the main report, somebody might say we were burying that. I think that part ought to be in the main report, probably . . . .

Meeting of the Commission on June 4, 1964

The Commission held a 40-minute meeting specifically devoted to Rep. Ford's angry denunciation of news reports that the Commissioners had already concluded that President Kennedy's assassination was the act of a lone individual and that there was no evidence that he was working as an agent of a foreign government. Such statements, Ford said, are "obviously false" because the Commission had not yet reached any conclusions. Ford's outburst was another example of the feeling in the Commission that outside forces were applying pressure to it to conclude that Lee Oswald had acted alone, and that, therefore, the case should be closed. Several months earlier — at the January 27 executive session of the Commission — several members had expressed their displeasure over the fact that the FBI had virtually decided for the Commission that, indeed, Oswald was a lone killer and that the presidential panel was simply expected to confirm it. However, John J. McCloy did indicate at the June 4 meeting that the press reports were not altogether wrong: "... in respect of the trend of the testimony that we have had, they probably are 80 or 85 percent accurate."

The June 4 meeting was attended only by Chief Justice Warren, Rep. Ford, McCloy, Allen Dulles, and General Counsel Rankin.

The Commission had held a meeting on May 19, but the Archives has kept the transcript secret because it related to "personal and medical files" and disclosure would "constitute a clearly unwarranted invasion of personal privacy."

Most of the Commission's time during May was devoted to the taking of sworn testimony. This included the testimony by FBI Director Hoover and CIA director McCone, received on May 14, dealing largely with allegations that Oswald had been a government undercover agent. Nearly four months had elapsed between the time the Commission first heard these allegations—at the secret session on January 22—and Hoover's and McCone's testimony under oath before the Commission.

In his testimony (the full text appears in Volume V of the Commission's hearings, published in September, 1964, along with the report), Hoover said that "I can most emphatically say that at no time was he [Oswald] an employee of the Bureau in any capacity, either as an agent or as a special employee, or as an informant." Furthermore, Hoover testified that "I have been unable to find any scintilla of evidence showing any foreign conspiracy or any domestic conspiracy that culminated in the assassination of President Kennedy."

Although Allen Dulles, the former CIA director, had told the Commission during the January 27 executive session that Hoover would never admit Oswald's employment, even if it were true, he did not challenge Hoover's testimony at the May 14 hearing. Waggoner Carr, the Texas attorney general, who first reported this claim, was present. Hoover acknowledged that although Oswald had been a defector to the Soviet Union, the FBI did not consider it necessary to give his name to the Secret Service prior to President Kennedy's visit to Dallas. Hoover testified that FBI agents had interviewed Oswald three times after his return from the Soviet Union in 1962 to try to establish whether he had been recruited by Soviet intelligence — and that agents had interviewed Marina Oswald on separate occasions — but he failed to inform the Commission that Oswald had visited the FBI office in Dallas several days before the assassination to issue a written warning against further interviews of his wife by bureau agents.

The Warren report said that the last pre-assassination contact between the FBI and Oswald had been in August, 1963, when he was interviewed at a New Orleans jail after his arrest following a street scuffle. Oswald was involved in a fight with anti-Castro exiles while distributing leaflets in favor of Premier Castro. Only on August 31, 1975 — almost 12 years later — did the FBI acknowledge that Oswald had written such a threatening note to the Bureau and that the note was destroyed by unknown persons. FBI Director Clarence M. Kelley said that despite his note, Oswald was not placed under active surveillance.

Not even this threat led the FBI to supply Oswald's name to the Secret Service prior to President Kennedy's visit to Dallas. Kelley said that FBI agents in Dallas had inexplicably kept secret their knowledge of the Oswald note for "almost 12 years."

Furthermore, there is nothing in Hoover's testimony concerning an alleged request by the FBI to the Dallas police to retract a public statement made on the assassination day by a police lieutenant that the bureau had known beforehand that Oswald could be a threat to the President. According to information released in September, 1975 by the former Dallas police chief, J.E. Curry, an FBI agent identified as James Hosty had told police lieutenant Jack Revill that the Bureau knew that Oswald was a threat to Kennedy.

Revill reportedly transmitted this information to Chief Curry, who in turn relayed it to newsmen on November 22. In May, 1964, Curry sent Warren a registered letter advising him that after he made his statement to reporters, "I received a telephone call from Mr. Gordon Shanklin, special agent in charge of the Dallas office of the FBI, in which Mr. Shanklin stated that the Bureau was extremely desirous that I retract my statement to the press. I then appeared before the press and retracted my statement . . ."

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Curry added in his letter to Warren that prior to the alleged remarks by FBI agent Hosty, the bureau had given no indications to the Dallas police that Oswald was in the city and that he might be dangerous. Curry did not explain why he waited five months to advise the Warren Commission of this episode. He claimed in a newspaper interview on September 1975, that the Commission failed to pay sufficient attention to his information.

Revill, who headed the Dallas police intelligence section, testified before the Warren Commission on May 13, 1964, that Hosty, the FBI agent, had told him that "Lee Oswald killed President Kennedy . . . He is in our Communist file . . . We knew he was here in Dallas . . . We had information that this man was capable of committing this assassination." The Commission's report mentions this episode, but says that Hosty denied in sworn testimony that he had ever made such comments to Revill. However, the report ignores Chief Curry's statement in his letter to Warren that the FBI had asked him to retract the statement to the press. This, then, is another mystery concerning the Commission's work. The subject was not discussed in the Commission's executive sessions for which transcripts are available. However, the transcript of the May 19 session—six days after Revill's testimony—is among the two still withheld by the National Archives.

By the time the Commission met on June 4 to receive Ford's complaints about news leaks, it had already failed to meet its own secret June 1 target date for issuing the report. And as Ford pointed out, the ommission had not yet reached any final conclusions.

Rep. Ford: Mr. Chief Justice, and members of the Commission, my comments at this point concern a number of news stories that have recently appeared in the press throughout the country. The article in *The Christian Science Monitor* of a day or so ago is rather typical.

It says, in effect, and I quote—"Commission members have come to the conclusion that President Kennedy's assassination was the act of a lone individual. There is no evidence that he was working in any way as an agent of a foreign government."

Now, I would like to make at least one point.

First. Any statement that Commission members have come to this or that conclusion is obviously false, because the Commission has not discussed these matters as a Commission, to my knowledge. The Commission as a whole, as far as I know, has made no final judgment. Now, the staff of the Commission, individually or collectively, may have come to certain conclusions such as this. However, the staff, individually or collectively, have no right to make such implications to the press, nor has any Federal agency, nor has any individual member of the Commission.

I regretfully say that if these news stories persist, I possibly have no other alternative than the obligation to express to the press . . . the views that I have stated here.

Chairman: Well, Congressman, may I say, so far as I am concerned, I share your feelings exactly. I personally cannot account for any of these stories . . . I have urged Mr. Rankin, and I am sure he has urged the staff, not to discuss them either. I am inclined to think that much of this comes from thin air and from speculation . . . I don't know how, however, we can let them bait us into making some statements that would deny it. That is my only problem. We don't get any place by denying that certain things are the facts.

Most of them (the newspapers) if not all, start out or contain in the substance of the article a Commission source, or a source close to the Commission . . .

Rep. Ford: By these kinds of articles, they are creating an atmosphere throughout the country that will, I think, create a predetermined public opinion of what we may or may not have come to . . . In my judgment, somebody somewhere is planting or leaking these stories. And I must go back to a letter that I think you received on behalf of the Commission early in December where, as I recall Mr. Katzenbach wrote and asked, among other things, one, if the Commission would release a statement to the effect that there was no foreign involvement, there was no conspiracy, or in the alternative that we as a Commission would authorize the Department of Justice to make such a release.

I think the Commission used good judgment in denying both requests . . . And ever since that time, and in a growing intensity, and in growing volume now, there is this kind of newspaper propaganda with the same intent in mind.

I have some personal conclusions, but I cannot prove them, so I don't want to make any allegations.

But it disturbs me . . . I want no newspaperman nor some individual or Federal agency implying that I have made a decision or that the Commission has made a decision when the facts are I have come to no specific conclusion yet, and as far as I know the Commission itself has come to no such conclusion.

Chairman: . . . I saw two or three days ago a short article . . . which said that the Commission was split on the question of whether Oswald was the sole perpetrator of this crime or not. . . . If they are going to increase in tempo and in number, at least until we make a decision, they are inaccurate . . . I think the Commission ought to at least think about at this point making a statement to the effect that no decision has been made . . . And perhaps that is enough. At least that would nullify the guts of what most of these stories include. It would undercut the speculation which is rampant at this point. I am just wondering if that would give furtherance to the statement, though, that we are split on it.

Rep. Ford: That is a matter of judgment.

Mr. McCloy: I am absolutely astounded at this spate of articles, and where they come from. They must come from some place very close to the Commission . . . And then in respect of the trend of the testimony that we have had, they probably are 80 or 85 percent accurate. I don't know how many times I have been stopped in New York and people saying, "I see, Jack, what your Commission is going to come out with. The report has already been written for you, hasn't it?" I think the thing has gotten to a point where I believe the Commission should say we have come to no conclusions on this thing yet, that the articles to the effect that conclusions of the Commission have already been found are totally inaccurate; that we do hope to have a report within a relatively short period of time in which our conclusions will be stated, but they are now merely in the process of formulation.

Rep. Ford: I only brought it up because these stories . . . are, in effect, preempting what we may or may not say.

Chairman: . . . I can see that as the time gets shorter and it looks as though we are getting to the point where we are going to file a report, that these things, they are starting to speculate about them more and more as time goes on until it comes out . . . .

Rep. Ford: . . . The trouble now, Mr. Chief Justice, is as we get

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down to the wire, they, by their own initiative or otherwise, are putting the imprimatur of the Commission, when they say a source close to the Commission, or a spokesman for, or something else . . . Three months ago it was pure speculation. But now they are adding an unofficial stamp to what they are writing . . . .

Chairman: . . . Suppose we made a statement to the effect that the taking of testimony is nearing an end, that the Commission is giving consideration now to the report that it hopes to write in the near future, that it has made no final conclusions as yet, in fact has not discussed final conclusions as a Commission.

Rep. Ford: That couldn't be better.

Chairman: If that is agreeable to everyone, we will put that out after this meeting.

Rep. Ford: I think it clears the air, and I think it is the kind of action that will, I hope, put to rest some of these speculative stories . . ..

Mr. McCloy: Until you complete the testimony you cannot have a final conclusion . . ..

Chairman: All right. We will see if this won't stop it. I hope so.

Meeting of Commission on June 23, 1964

The Commission held an executive session on June 23. However, the National Archives has refused to release the transcript because the CIA requested continuing secrecy. The meeting apparently dealt with CIA information concerning the period between 1959 and 1962 when Lee Oswald lived in the Soviet Union, and the Agency's efforts to obtain material on Oswald during his stay in Russia as well as his visit to Mexico City late in September and early in October, 1963. The New Republic *requested Jane Smith, Director, Civil Archives Division of the National Archives, to set forth in writing the reasons for the denial of the June 23 transcript. Miss Smith's letter, dated September 5, 1975, said in part:*

. . . The transcript of the executive session of June 23, 1964, is withheld from research under 5 USC (b) (1) as amended, "matters that are . . . specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order." In response to a previous request for access, the transcript was reviewed by the Central Intelligence Agency because it relates to Yuri Nosenko, the Soviet defector. In response to our request for a review of the transcript the CIA asked that the request for access be denied "in order to protect sources and methods and other information related to our operational equities."

Meeting of Commission Members With Psychiatric Panel on July 9, 1964

Two members of the Warren Commission—McCloy and Dulles—and Commission staff members held a seven-hour meeting with three psychiatrists to develop a psychological profile of Oswald. The purpose of this meeting—Rankin described it as "an informal colloquy, interrogation and explanation by the doctors"—was to search for Oswald's possible motive in assassinating President Kennedy through a study of his personality.

The three doctors had studied most of the biographical material available on Oswald—based on numerous earlier interviews with witnesses by the Commission, its staff, and the FBI but they cautioned the Commissioners that hard conclusions were impossible given the fact that Oswald could not be interviewed psychiatrically. The Commission appears to have used this material in a highly selective manner, incorporating some of the views of the doctors in the final report while rejecting others. For example, it ignored the medical hypothesis that Oswald probably did not have a killer instinct and, most importantly, that Oswald's rejection by Marina, his wife, on the eve of the assassination may have triggered, in an immediate sense, his decision to try to kill the President.

Comparing the transcript of the July 9 meeting with the final report, it appears that the Commission used the medical material both to construct Oswald's biography and, up to a point, to justify its conclusion that he had acted alone in the assassination. However, the report shied away from ascribing a clear motive to Oswald.

Although at least one of the doctors insisted that the Commission include a statement to the effect that it drew on the psychiatrists' panel in its investigation, the report failed to do so. The transcript of this meeting was part of the published hearings accompanying the report. It was classified for seven years following the publication of the report.

The transcript fills 245 pages. In addition to McCloy and Dulles, the session was attended by Rankin, his special assistant Norman Redlich, and staff members Wesley J. Liebeler, Albert E. Jenner, Jr., W. David Slawson, and Howard Willens. The doctors were Dr. Dale C. Cameron, then superintendent of St. Elizabeth's Hospital in Washington, D.C. (a hospital for mental patients); Dr. Howard P. Rome, then professor of psychiatry in the Mayo Foundation (connected with the Mayo Clinic in Rochester, Minnesota) and president-elect of the American Psychiatric Association; and Dr. David A. Rothstein, then staff psychiatrist at the US Medical Center for Federal Prisoners in Springfield, Missouri.

Opening the discussion, staff members drew for the doctors Oswald's early history, his father's death and the feelings of his mother, Marguerite Oswald, that society treated poor widows harshly.

Dr. Rothstein: This is interesting because one of the things in several of these patients [persons who have threatened Presidents of the US] was they all had ideas that Russia would be better or communism would be better and there seems to be an underlying feeling that the government would be more of a mother figure, providing more of the dependent needs of the people . . . I think perhaps this might indicate that some of her [his mother's] talk early in the beginning would have directed him [Oswald] toward the idea that the government should meet these needs, because at least in these people that I saw, I think one outstanding thing was that it wasn't just the anger toward a father figure but the anger toward a mother who wasn't really meeting a person's needs for dependency.

The group discusses at some length Oswald's attitudes in school and outside, the blend of withdrawal and agressiveness in his personality.

Dr. Cameron: . . . It sounded as though he was withdrawn, and that as he tried to develop some masculine identity, then this kind of hostile belligerent business would come out. Then he got squelched again. Then he went into the Marines and there he was Oswald the Rabbit, until he began living with an oriental girl at which time he again became quite belligerent toward his peers in terms of coming in late, making a racket at night and doing everything he could to annoy his peers at that

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juncture.

Then again he withdraws from this, and that is when he takes off for Russia.

Dr. Cameron: . . . It seems to me he has been a retiring kind of person in a sense, not alone because he wanted to be alone, but because he was so terribly rejected, and as he tries to come out he comes out in a hostile way, and then gets smacked down and comes out in a hostile way again, and then if this is true, and if indeed he did get rejected, in essence, by the Russians, and I don't know that, this would then become a trigger another hostile kind of outburst.

Mr. Liebeler: . . . I don't want to put any thoughts in anybody's mind . . . but Oswald was discharged from a job on April 6, 1963 and on April 10, 1963 he apparently made his attempt on the life of General Walker. . . .

Mr. Jenner: . . . We have to remain skeptics, as lawyers act as devil's advocates to ourselves . . . One of the things that we are hoping we will obtain, we are already obtaining, is advice from you gentlemen as to what we should look for . . ..

Dr. Cameron: . . . I think he had a sort of pseudo-intellectual drive and some other personality problems that would have prompted him in this direction . . . His mother had a great drive to be recognized by important persons. She wanted to be an important person herself, that she was grasping, self-centered, selfish, and used her children for her own benefit. . .

I think part of his interest, and to be in a commanding or controlling situation, I think part of his interest in communism may have grown out of the desire to be knowledgeable about something about which a lot of other people weren't knowledgeable, and also because the so-called capitalistic system in his view and in his mother's treated her rather badly, so I think he would have a natural interest in other kinds of systems . . .

In Oswald's case, a man who would defect and go in these circumstances, shows that he is perfectly capable of acting on his beliefs, and that in retrospect would have been a big fat danger signal for this kind of boy . . .

Mr. Liebeler: So you would certainly watch defectors?

Dr. Cameron: Yes, I certainly would.

Mr. McCloy: He was an activist throughout. In the first place, he signed up for the Marine Corps. He went over to the Marine Corps. He went off to Moscow. He went off to Mexico. He got excited about the Cuban business. He printed the pamphlets and distributed them on the corner of the street. He shot at Walker. He shot at the President . . . .

Dr. Cameron: If he had shot Walker, the President probably would have been saved.

Dr. Cameron noted that Oswald did not mention associates in the Walker attempt. The fact that Oswald had made a written record of the Walker incident led to a discussion as to whether Oswald did not want to be caught in the Kennedy assassination. The point was raised why Oswald smuggled his rifle from the Paines' home in Irving to the Texas School Book Depository building in Dallas instead of procuring another weapon. A neighbor, who drove him from Irving to Dallas on November 22, saw Oswald carry the rifle wrapped in fabric.

Dr. Rothstein: I am wondering whether he really wanted to have this hidden and not be caught, because one outstanding thing about almost every one of these people who threatens the President was for one thing they have made some suicidal attempt in the past, and in at least a lot of them there was an identification of this with suicide . . . Oswald may have really, at least unconsciously, had a need or this was an event equal to suicide in a sense . . . .

Mr. McCloy: . . . I already talked about what seems to be his killing instinct. He also talked about killing a good bit in his papers . . . when he talked about Russia being his own country, he considered it his own country and it was a war. He immediately said he would have to kill Americans, kill any American . . . .

Dr. Cameron: I would have a little trouble with the concept of a killer instinct. I think this was a violent hostile paranoid person, which is understandable in terms of his past history, and that in his hostility and violence he would kill, yes. But I wouldn't attribute this to any innate instinct in that sense of the word. I think it was more the product of his life experiences, plus his innate personality, whatever talents he was born with . . . .

Mr. Dulles: His disappointment in Russia too was due in part to the character of the state he found there. He didn't welcome that. He apparently rejected that.

Dr. Cameron: . . . This fits in with your mother concept in a sense, the state with its collectivism which would supply the creature needs, and so forth, and yet he found that there was too much authority going along with this to satisfy him . . . Is it fair for me to assume that there is no reason to believe that he was a tool of the Russians in his return in what he did?

Mr. Liebeler: . . . We assume that he was not involved in a conspiracy, that he was not a Russian agent of any sort . . . .

Mr. Dulles: You can assume exactly what was said, he was not a tool. I think the evidence before the Commission pretty clearly brings that out. I think they looked him over, but rejected him . . . This is not the kind of man any intelligence service would want to pick up.

This was the first time that a Commission member stated flatly that available evidence indicated that Oswald was not a Soviet agent. The Commission had apparently accepted earlier the assurances by FBI director Hoover and CIA Director McCone that Oswald had not been an undercover agent in their employ. In this fashion, the Commission was gradually ruling out conspiracy theories.

Dr. Rome: . . . He comes back from Russia, and now it is a plague on both their houses. Neither of them have been able to really provide this kind of a satisfaction. Then there is this business of trying to get to Cuba.

Again, this frenetic kind of a search all around the periphery in an attempt to locate and establish himself . . . .

Dr. Rothstein: It may be stretching things, but I think if rejection by a woman and mother is important, the possibility of this having some effect may be present. One of these President threateners had written his threatening letters in relation to a woman who had left him who had rejected him some time later, but there was a direct connection between this, and it could be one factor.

Dr. Cameron: And whether [Marina] left [Oswald] of her own

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volition or whether through the intervention of the Russian community [in Dallas], Lee Harvey Oswald was once again emasculated ....

Dr. Rothstein: ... I have some feeling maybe the birth of the second [child] had something to do with the assassination, but I just want to remark at this point that maybe some of this idea of wanting to go back to Russia also was related to that, because, after all, he came back to the United States after the birth of the first child ... [Second child was born on October 20]

The group next analyzed the Oswalds' relationship when they moved together to New Orleans in May, 1963, when Marina was three months pregnant.

Mr. Liebeler: [It] was my understanding, that their relationship during this period in New Orleans was not bad.

Mr. Redlich: Marina has said that there were no physical attacks on her ... To get the full picture, I think Marina did say that Oswald seemed to deteriorate more in New Orleans. There was more fantasy, you know, about his hijacking a plane and getting to Cuba and talking about being the prime minister in 20 years ....

Oswald returned to Dallas from Mexico on October 3, then went to Irving to see Marina on October 4. Next, he took a room in Dallas under an assumed name. The panel, after tracing Oswald's movements in September and October, went back to Lee's and Marina's relationship. The doctors felt increasingly that Marina was the key to Oswald's behavior at that juncture, a point the Commission did not bring out adequately in the Report.

Mr. Liebeler: ...Now after they got back Lee wouldn't let Marina smoke, wouldn't let her drink, wouldn't let her wear lipstick. He did not encourage her or help her to learn English, and in some people's views he positively opposed her learning the English language ...

Dr. Rome: I would think that it was mostly again another aspect of her dependency relationship, to have her dependent upon him then as a mask for his dependence upon her, and still exercise his control of the situation.

Mr. Jenner: She was completely dependent on him, there is no question about it ...

Dr. Rome: I think his need to appear in every sense the man in the house, to wear the pants in a literal and figurative sense more and more, and I think we are working up to and what we are really going to find out is what kind of a man he was. ...

Mr. Liebeler: Now, it is also interesting that Marina testified that Oswald did help her quite a bit in things around the house. Now, of course in that connection it is also I suppose it should be pointed out, that some of the witnesses testified that Marina was just an awful mother, that she didn't have any idea of modern techniques or American techniques on how to feed the child.

She gave the child sugar water to keep it quiet, and things like that, and picked up the pacifier off the floor and put it in her own mouth, which was at that time full of rotten teeth, and then to wipe it off on the floor and then stick it in the baby's mouth, and this upset some of the other people ...

Now on a rather more personal subject, de Mohrenschildt reported that in the presence of Oswald Marina said, "He sleeps with me just once a month, and I never get any satisfaction out of it. A rather crude and completely straightforward thing to say in front of relative strangers as we were. I didn't blame Lee for giving her a good whack in the eye. Once it was all right, but he also exaggerated." ...

Dr. Rothstein: He might have been egged on by her to prove he was really masculine ...

Mr. Liebeler: On the weekend prior to the assassination, Lee called Marina and spoke to her about coming out to Paines over the week end, and because Mrs. Paine was going to have a birthday party for one of her children, Marina told Lee that he should not come to Irving that weekend because "It might not be convenient for Ruth." Oswald replied, according to Marina's testimony, "As you wish. If you don't want me to come I won't." ....

The panel went over material showing that Oswald came to see Marina the evening before the assassination and asked her to come live with him in Dallas. Nothing was settled and Oswald went to bed at the Paines' house two hours before Marina did. The next morning, November 22, he got up before Marina did, left his wedding ring on a dresser along with $170, took the rifle from the garage, and had a friend drive him to Dallas.

Dr. Rome: Let me try this on you for size. Here is a man who in a variety of ways has been made a cuckold, and had his nose rubbed in his impotence, literally and figuratively.

He comes back. She is angry. He is rebuffed. All through this he does all of the kinds of somewhat ignominious things for him that he has not done previously in the way of playing with the children, offering to get the washing machine, now trying to fill the role of a dutiful husband and father.

I think it is extremely significant that with this situation now, and being confronted in a very probable way by his impotence, that he leaves his wedding ring. He gives as much money as he is able to give to her, and then he takes up the only evidence of masculinity that he has ever been able to demonstrate, his rifle, with him, and now he is going to demonstrate that he really is a man under these circumstances.

I think that we have today been able to build up to this point very definitely the kind of psychological background that would make then the subsequent behavior extremely consistent in a psychological sense.

Dr. Rothstein: I am not saying that he wasn't going to kill the President until after this argument, but I think this was a big factor in it. ...

At this point the doctors made virtually explicit the theory that Marina's rejection may have been the causal factor in Lee's decision to assassinate President Kennedy. They had been building their case in that direction all along.

Dr. Cameron: I would look at this last episode as simply a final fillip, if you will, in a sense this whole life with his mother, and I come back to her repeatedly, and the things we have talked about all day, and the fact that for him... to release his hostility in some way that would be noteworthy, and the assassination of a prominent person would satisfy this need. Now he I think must have thought about it if he did kill the President ... So I think what Marina had a chance to do unconsciously that night was to veto his plan without ever knowing of its existence, but she didn't. She really stamped it down hard. But that one incident would never, never have been enough.

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Dr. Rothstein: He might very well have done something like that or the same thing at another time in the future.

Dr. Cameron: At another time. Of course he also had one chance in a lifetime actually of making this kind of contact with the President. Otherwise if he was really after the President, he would have to go to another city. His chances of coming back — that is why I think the prominent person was all he really was after, and perhaps this was "My God, how about that? I can get the President." . . . .

Dr. Cameron: I think his primary purpose was to find a prominent public person, and to be able to couple that with the President, the head of the capitalistic system, is wonderful from his point of view.

But I think what he really was after was a prominent person in the public eye whose death would result in a real rhubarb . . .

Dr. Rome: . . . I think you have to see these as contrapuntal themes, and all along he has been involved, it is as though he is above these mundane, domestic kind of things, and in a sense he loses a battle but wins a war by this kind of an explosive act which, at the same time, recoups him not only in his own eyes but really makes him quite a man . . .

Mr. Dulles: Then that finishes him, of course. He is perfectly willing to be finished with it.

Dr Rome: With this identification again. At least you have by virtue of your violence identified yourself with an extremely prominent person. This makes you prominent.

Dr. Cameron: Even if he gets caught and gets the chair, he is identified with being ahead of his time, in his warped way of thinking . . .

I think if Marina had accepted him, if she had been a loving wife that night, he might have slept late the next morning and he might not have got the President, but eventually it would have had to have been some way. It would have been a temporary reprieve . . . .

Dr. Rothstein: I think his discomfort might have been relieved to the point he wouldn't have taken action on it.

Dr. Cameron: He would have done it later to somebody else.

Dr. Rothstein: She [Marina] is what the psychiatrists would often call a castrating woman . . . Who is building up her own importance, her own feeling of importance by depreciating him . . . .

Dr. Cameron: I can say that he has decided that is it with her. That doesn't necessarily mean that this is the day he is going to kill the President. Now if he was going to kill the President, of course this is so with her because he is either dead himself or on the run, and he can't be bothered with her. But he has left her. That is what that says to me. It doesn't say positively that he is going to do something. . . .

You are troubled . . . by the notion that we seem to be saying she was a pretty unsavory character, and that you know a lot of women who may have comparable behavior without attributing to them such unsavory motives . . . But at any rate she was capable of fitting into his pathology, and I think it is his pathology that we are concerned with here, and she happened to fit in with it. . . . .

Dr. Rothstein: I still would want to say I think to some extent the President at some level of his thinking was his wife and his mother.

Dr. Cameron: I think by choosing a prominent person, particularly one associated with government, he was perhaps unconsciously assassinating both his mother and the system.

Mr. Liebeler: And his wife also?

Dr. Cameron: Possibly.

Mr. Liebeler: And perhaps also the Soviet system?

Dr. Cameron. I don't know whether he is capable of this kind of thinking or not, but, if there could have been any linkage between this act and the Soviet system, it would have really been kind of tough on both systems. . . .

Some members of the Commission's staff indicated their opinion that the psychiatric analysis of Oswald's possible motives was inadequate and unconvincing. This may be one reason why, in the end, the Commission refused to speculate on the motive.

Mr. Redlich: . . . My objection to your analysis is that I think you are fitting this into a pretty tight mold based on one side of the story. . . .

I am prepared to argue that you have in my opinion, not having observed Marina Oswald personally, visually, not having visually observed Lee Harvey Oswald, not having observed Oswald's mother visually, I just cannot understand how professionally you gentlemen are able to say that somehow there is a similarity between Marina Oswald and Margaret Oswald, that Marina is this kind of a person that you say she is. . . .

Dr. Rome: Obviously these conjectures are highly speculative. There is no question that they are based on inference, incomplete information, conjecture.

Mr. Dulles: We have asked you gentlemen to make them. . . .

Mr. Redlich: . . . I think Mr. Dulles is quite right that we have asked for this, and that my comments are really directed on the use that we make of your speculations and conclusions based on the information that we have provided to you. . . . What in your opinion should we do with the type of analysis that you have provided us today? . . .

Dr. Rome: As far as I am concerned, this is highly conjectural. It is purely speculative. I see it as being of no use to anyone beyond a staff level to help perhaps clarify your approach to the record.

I should think it would be most unrealistic to use this in any way. I think you would be laughed right out by the public with this high spun fantasy kind of inferences based on second- and third-hand hearsay information.

I have thought that this was solely for the purpose of again establishing some testable hypothesis in which you could or could not fit the evidence that you have. That there will be great gaps and deficiencies, yes. I think this is so.

But to try to account for Lee Oswald's behavior by now retrospectively, after his death, trying to devise some sort of psychological history I think would be a specious exercise. . . .

Dr. Cameron: Now, if the Commission decides that he [Oswald] did in fact do it and then you are interested in the question of motive, and you are unable to find any motive of a

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political or other nature, then you are in effect asking us, can we find anything here that seems to fit some kind of a psychological motive. As far as I am concerned, the answer is "Yes."

Now, whether or not you make this public or should make it public I think is highly questionable. One, Mrs. Margaret Oswald is still in existence, and so is Marina, and there would be little purpose served I think in trying to damn her or Marina for this testimony, if my hypothesis of how a lot of this, particularly the mother, came about, I see little point in this.

I think you would probably say yes, he did it, and there was no, if this is true, international involvement, and he seems to have done it as a loner for reasons peculiar to himself, and just drop it there. . . .

Dr. Rothstein: The only thing I would add, I think it would not be entirely unreasonable to say that you have consulted with psychiatrists as to whether this was possible. I don't know whether you would agree with that, but it seems to me that would be reasonable.

Dr. Cameron: I don't think it is necessary. I think the Commission will have to decide that question. . . .

Mr. Liebeler: Now, are we going to be in a position where, assuming we can't find any credible political motive, what would the American public think if we just said well, he did it for reasons peculiar to himself, and we dropped it at that? Now we do have hypotheses. . . . And then the American public wouldn't have the benefit of the thought that these men have given, and still can give, with additional information that we can provide them, the thought that we have given to the question which has certainly made it believable to me that Oswald could have done this for purely psychological motivations, even though it may not be 100 percent precise, it seems to me that we are in a position and we do have information enough to suggest enough or lay forth enough hypotheses and fact to make it believable that this is why he did it.

If we don't do this, the American public isn't going to have this background to make this judgment, and they are just going to say, "Well, what the heck."

Dr. Rome: They have already made whatever judgment they are going to make, believe me.

Mr. Liebeler: If that is true, we might as well fold up our papers and go home.

Mr. Redlich: . . . We should stop short of presenting a psychological thesis, because I think that it would tend to give the impression that we are really trying to, in effect, prove the absence of conspiratorial motive, by presenting a psychological thesis, and that psychological thesis might be punched so full of holes by people of a different psychiatric school of thought from you three gentlemen that it would endanger the other side of the coin, namely the absence of the rational conspiratorial motive. . . .

Dr. Cameron: . . . I think it is perfectly fair to say if this is your conclusion that he did it, that "We found no evidence to implicate any other persons," if that is true "or any other country" if that is true "and this is what was said at the testimony, and based on this we find it believable that Lee Harvey Oswald could have done it and we think he did."

Mr. Liebeler: And you would leave out entirely any suggestive relationships between these various events? Because you see you really are applying a standard of selection . . . when you put in the report itself certain of the testimony. . . .

Mr. Dulles: Selecting on our idea on the basis of accuracy, not any other consideration. . . .

Mr. Redlich: But stopping short of using some of the language which I was very glad that you gentlemen used today. . . .

Dr. Rome: Don't you suspect the total mass of data that is going to be made public is going to be self-evident?

Mr. Dulles: But nobody reads. Don't believe people read in this country. There will be a few professors that will read the record. . . .

Mr. Jenner: And a few newspaper reporters who will read parts of it.

Mr. Dulles: The public will read very little. . . .

Dr. Rothstein: I think the other two doctors feel that it shouldn't even be mentioned that there was any psychiatric consideration. Maybe I am overenthused with psychiatry getting into things, but I feel that it is a relevant thing to say.

Mr. Dulles: I think we ought to state we consulted psychiatrists, somewhere. . . . If we hadn't done that we would have missed an important area of the study. . . .

The Report, however, made no reference to the Commission's consulting the panel of psychiatrists. On the other hand, many passage in the report reflected some aspects of the psychiatric analysis. Other aspects were rejected; the report said the Commission did not believe that Oswald's relations with his wife caused him to assassinate Kennedy. Listing Oswald's difficulty in establishing human relationships, his discontent with the world, his hatred of American society, his search for a place in history, his commitment to Marxism and Communism, and his capacity to act without regard to the consequences, the Warren Commission offered this conclusion: "Out of these and many other factors which may have molded the character of Lee Harvey Oswald there emerged a man capable of assassinating President Kennedy."

Commission Meeting Of September 18, 1964

This was the Commission's final session in preparation for the completon of its report. It was the first executive session since June 23. In the interval Commissioners and staff had been taking additional testimony, and staff members were drafting the final version of the report.

The Commisson was unable to meet its original target date of June 1; the report would be issued on September 27, 1964—nearly ten months after the Warren Commission was constituted.

No actual transcript of the September 18 session is known to exist. According to the National Archives, only the minutes of the meeting are available. However, the minutes do throw additional light on the Commission's last-minute concerns. For example, the general counsel was instructed "to use care that the proposed conclusions" concerning Chapter III ("The Shots From The Texas School Book Depository") and Chapter IV ("The Assassin") not contain any conflict with the conclusions set forth in Chapter I ("Summary and Conclusions").

A Motion was made . . . that the General Counsel be authorized to proceed to make arrangements, subject to the

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approval of the Chairman, to return to interested parties who have furnished documentary and other evidence to the Commission all of such materials when their retention is no longer necessary to adequately protect the Report of the Commission or when duplicate or other conformed copies will be fully adequate. That in taking such action the General Counsel consult with the Federal Bureau of Investigation and other interested persons and agencies whenever necessary and proper.

The importance of the transcripts lies in what they reveal of the frame of mind of the seven Commissioners as they labored to find the truth, evaluate the evidence, establish their conclusions and write a final report. Their innermost thoughts and doubts are bared. So many of the doubts apparently were not resolved that the impression emerges from these private discussions among the Commissioners that, in the end, the report was the only possible compromise they could produce—in terms of their knowledge and their conscience. Likewise the transcripts call into question the competence of the Warren Commission.

The characters of these men come alive as in a dramatic play. Senator Russell and John McCloy are the doubters, the outspoken and impatient sceptics and questioners. They come across as strong men in the drama. Chief Justice Warren is surprisingly passive, often hesitant, always conscious of the historic burden. His concern is credibility. Allen Dulles is the businesslike figure, proud of his insights into the affairs of nations and the craft of intelligence. Senator Cooper and Representative Boggs choose to remain in the background most of the time. And Gerald Ford, except for his sudden sense of outrage over efforts to ascribe to the Commission conclusions it had not yet reached, appears willing to go along with his peers.

They played their roles in history. Now history will judge them.

The New Republic wishes to acknowledge with gratitude the special assistance in preparing these transcripts of Robert Lee Lewis and Marion E. Johnson.

How the Survivors Feel Now

Aftermath

by Eliot Marshall

The Warren Commission staff was under enormous pressure in 1964, first, (in Earl Warren's phrase) to "quench" rumors, second, to meet a deadline before autumn and, third, to find the truth. How successful was it in meeting its objectives? As doubts about the Commission's work continue to pile up, it seems clear that the panel did far better at meeting its deadline than at quelling rumors. Where did it fail?

According to Waggoner Carr, attorney general of Texas at the time of the investigation, the Commission's greatest handicap was that it relied on federal agencies for its information. Carr concedes that Chief Justice Warren had little choice but to use the agents of the FBI and CIA as his investigators, but he believes Warren could have done a better job if he and his staff had not put so much weight on the assurances of FBI Director J. Edgar Hoover, CIA Director John McCone and McCone's deputy, Richard Helms. After all, these men could not have been expected to reveal information that would damage their agencies or their own careers. The CIA and FBI both were involved in watching the assassin's actions before November 22, 1963, and in putting together the evidence that convicted him posthumously. They were not objective participants in the inquiry.

On the weekend of the assassination Waggoner Carr announced that he was preparing to hold an independent, public court of inquiry in Texas into the circumstances surrounding the deaths of President Kennedy and Lee Harvey Oswald. He did so at the urging of the wounded Texas Gov. John Connally and the new President, Lyndon Johnson. Carr was in the process of gathering staff and laying out procedures for the inquiry when officials in Washington virtually ordered him to call it off. They wanted him to defer to the newly appointed presidential Commission in Washington headed by Earl Warren. Carr recently described those negotiations of December, 1963: "We had a difficult time in the beginning with Mr. Warren, who insisted that we drop all thoughts of holding a court of inquiry and turn it completely over to him and his organization." Carr balked, for the "simple reason that I had read a quote of Mr. Warren where he laid the blame on Texas. I felt that to turn the investigation over to a man who might have already made up his mind that Texas was guilty would have been an unforgivable thing on

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my part, so I refused." Carr and his assistants, who had come to Washington, would not surrender until the Chief Justice made some concessions himself. Warren just as adamantly insisted that the Texans would have to give up their plans for an investigation before he would even see them. Carr said: "For three days we cooled our heels waiting for him to see us, and he kept refusing. Mr. Katzenbach, who was deputy attorney general at the time, was the intermediary between us and the White House. Finally on the third night we sat up there and he completely refused to see us, and we refused in turn ... I just lost my patience and announced to Mr. Katzenbach that I was through waiting. I might be a little country bumpkin to him but after all I was the attorney general of the state of Texas and owed some obligation to my people." He was heading back to Texas, he told Katzenbach, and in the morning he would announce that he was opening the court of inquiry. "Well, before we got out of town Mr. Warren sent word that he would see us. So we went up to his office and had a nice meeting with him, out of which this written agreement was worked out."

According to the written agreement, the Texas authorities promised to forward all the information they could gather on the Kennedy and Oswald murders to the Warren Commission and to hold off their own investigation. They insisted, however, that they be allowed to sit in on questioning of witnesses, and they reserved the right to have their own independent inquiry if they felt the Warren Commission had left out important material or hidden facts that should have been made public. They were also determined to see that the Warren Commission not reach conclusions that were unfair to the state of Texas. The arrangement worked well for the Commission, not quite so well for Texas. The Texans sent all they had to the Commission's Chief Counsel, J. Lee Rankin, and Rankin allowed the Texans to review the testimony of his witnesses. But there was a catch; the Texans had to come to Washington and view the record within the security of the Commission's meeting room. For obvious reasons, the Texas officials could not keep abreast of all that was going on in the investigation.

Today Carr says he agrees with the findings of the Warren Commission, and because he felt the same way in 1964, he never undertook a large, independent inquiry of his own. Although he concurs with the "general thrust" of the Commission's work, there are "two things that I felt frustrated over ... I was never completely satisfied." One, he said, was the investigation into whether there was any possible connection between Oswald and the CIA or the FBI. "And the second was the disturbing fact that at the time Oswald was captured he had gone from downtown Dallas to Oak Cliff, and was headed in the general direction of Ruby's apartment." Carr has never seen any evidence of a prior acquaintance between Ruby and Oswald, but "I'm still keeping that somewhat open in my own mind."

Carr's first question—whether Oswald might have been a secret agent—is one that troubled the Commission itself for many months. On January 22, 1964 Carr told J. Lee Rankin that rumors were persistent "everywhere in Texas" that Oswald had been an undercover agent, and that the Commission ought to make this a "major factor" of its investigation. He later followed this up with a letter to Rankin in which he suggested that the Commission check out Oswald's background on its own by interviewing all the FBI and CIA agents in the Dallas area who might have had contact with Oswald. He thinks the Commission didn't take his advice seriously enough: "I still think they should have done it." Instead, the Commission dealt primarily with the heads of the agencies—Hoover and McCone—and later took testimony from several agents who had filed reports on Oswald. But the interviews with the agents came later, after Hoover and McCone had stated flatly that Oswald had never been on their payrolls. No one who hoped to get ahead in the intelligence field would lightly contradict Hoover, McCone and Helms.

The federal government's treatment of Dallas officials in those difficult months left behind a residue of bitterness. Waggoner Carr felt that he'd been treated as a "country bumpkin," and William Alexander, then assistant district attorney in Dallas, felt that the FBI and members of the Warren Commission regarded him and his staff as "rinkydinks." Although the Dallas police and district attorney's office fulfilled their half of the bargain, Alexander said, the Feds did not fully live up to theirs. They did not forward useful evidence gathered by the FBI and other federal agencies to the district attorney in Dallas. According to Alexander, "all those bastards are vaccinated with the same needle. It's a one-way street." The experience was frustrating, like "every other deal" involving Washington. "You give one of those bastards a telephone number, and then lose it, and call him and ask for it, and he'll tell you to call Washington and get permission from the supervisor." Alexander thought it wise to temper his complaints, however: "You understand, I wouldn't be critical of the organization at all. I'm sure they have their reasons. After all, I don't want to take on the FBI and CIA at the same time."

Alexander most emphatically does not believe there was a conspiracy. "There was nothing you could put on a witness stand with a straight face that would connect Ruby with Oswald," he said. But there remain some unanswered questions in his mind. He was impressed with the Commission's work: "I was amazed that they did as good a job as they did." But "I really would like to know whether Oswald was or was not taking handouts from some federal agency. Another thing I would like to know is whether he was debriefed after he got back home from Russia. Wouldn't you?"

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Neither Carr nor Alexander is fond of the federal bureaucracy. They were not impressed with the FBI's performance in 1963. The Texas court of inquiry, had it been allowed to proceed, might have attacked the thorny problem of the FBI's negligence in handling Lee Harvey Oswald more boldly than the Warren Commission did. Although Texas officials didn't have authority to investigate Oswald's career outside the state, they could have—and, if Carr's letters are any indication, they would have—questioned local FBI men about Oswald without fretting over the agency's reputation. This is conjecture, of course. But the test was never made. The court of inquiry was called off, and Texas officials were persuaded to accept the Warren Commission study as the country's best effort at finding the truth.

Nicholas Katzenbach, who was deputy attorney general and liaison with the Warren Commission, had a simple explanation for the decision to close down the Texas inquiry and focus the investigation in Washington. He said, "The only answer is that it was thought [the Warren investigation] was going to be an awful lot better done. The problem was how can you conceivably persuade the world that this investigation was straightforward and honest. We did not feel the Texas commission would have that prestige." He thought that hiring special investigators would have accomplished nothing. It seemed ludicrous, in fact: "You wouldn't have the FBI investigate the CIA and vice versa, would you?" (The *Washington Star*, a few days after I spoke with Katzenbach, had the news that the FBI is engaged in an unprecedented investigation of some CIA employees to find out whether they may have broken the law in hiring assassins for use abroad, lying to congressional committees and snooping within the US.) Like Katzenbach, the Commission's chief counsel, Rankin, is also skeptical. Asked whether the Commission might have done a better job with its own investigators, Rankin said, "I don't know where you could have got them. And I don't know how you'd get Congress to pay." He said the Commission appreciated the "good deal" it had in being allowed to use the federal investigative agencies, and "we made the best use of them we could." According to Rankin, "We thought that our greatest skills would be in evaluation of evidence, and in evaluation we'd move with great care. I don't know whether it would have been better or worse with our own investigators."

Rankin seemed taken aback by recent criticism from Texas. As for Waggoner Carr, Rankin asked, "Where did he make any single affirmative contribution to the whole thing?" Didn't Carr report the allegations that Oswald worked for the FBI? Rankin said Carr merely "jumped on" rumors brought to him from other sources; he didn't investigate them. "The best we could do then," Rankin said, was to check the FBI records very carefully. "You know the FBI's undercover people, and how they're handled. You have the problem of whether the information that you get traces out to the correct person under that kind of a system." Rankin doubts that anybody else in his place could have done better. "Suppose you had an independent investigator. How would he find out whether the undercover agent—say, number 10—was the same as some other person? It's so largely under the control of the agency." Though relations with the FBI and CIA were good, Rankin said, that doesn't mean the Commission wasn't misled. Whether or not the Commission got the truth or "somebody's fabrication" will never be known.

Like other members of the Commission staff who were interviewed in September, Rankin saw no value in reopening the case in 1975. He believes essentially that the trail of conspiracy or deception—if there was one—would be too cold to follow. The passage of time is one of the worst obstacles to a good investigation, and nearly 12 years have passed since John Kennedy was killed. Witnesses "die or disappear," Rankin said. He doubted that a new inquiry would turn up anything relevant to the Kennedy assassination.

Perhaps the most outspoken opponent of a new investigation is attorney David Belin, a Warren Commission staff counsel who lives in Iowa. He was also executive director of the Rockefeller-headed study of CIA activities completed in June. Belin has written a book attacking the Warren Commission doubters called *November 1963: You Are the Jury*. He believes the conspiracy theories "that tie in Gordon Liddy, E. Howard Hunt, the Mafia and Texas millionaires have no more substance than moonbeams." Belin is adamantly opposed to a new investigation. Another staff counsel, W. David Slawson, took to the press to defend the Commission's work this year. In an article recently published by the *Los Angeles Times*, Slawson attempted to answer some of the most often asked questions about the Commission report. He concluded that a sweeping reinvestigation of Kennedy's murder would serve no "useful purpose," but he did feel that "special limited new investigations" should be sanctioned "if and when a need for one of them arises."

Howard Willens, now an attorney in the District of Columbia, in 1964 the Warren Commission's liaison with the Justice Department, was firm: "I think there's been a lot of very slovenly discussion as to the inadequacies of the Commission report ... I see absolutely no value whatever to reopening the investigation." Nor did he see any point in reviewing the deceptions by the FBI or CIA. The fact that the Dallas FBI office destroyed a note delivered by Lee Harvey Oswald, Willens said, "obviously gives further support for those who think that if there could have been deception on that incident, there could have been deception of a much more egregious nature." But he said the incident itself was irrelevant to the Commission's findings. "The Commission concluded that the FBI was negligent in any event" in its surveillance of

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Oswald. If the Commission had known of the Oswald note, "there would have been even more support for that criticism."

The news that the CIA may have hired assassins in Cuba, and that it withheld this information from the Commission, did not warrant a new inquiry, either. "If anyone has *facts* suggesting that Oswald met with Castro supporters, or that Oswald was aware of the CIA's plans, that might be worth investigating." Willens said he might someday change his position, "But neither of these more recent developments carries with it any fact or promise of developing facts that go to the central conclusions of the Warren report."

Another familiar name on the roster of Warren Commission lawyers is Albert Jenner. He was minority counsel to the House Judiciary Committee that in 1974 held impeachment hearings on President Nixon's involvement in the Watergate scandal. In 1964 Jenner was the Warren Commission's liaison with the FBI and other intelligence services, which gave him primary responsibility for assigning investigative tasks to the correct agency. It is unfair to call the FBI the Commission's investigative arm, Jenner said recently, because the Commission also used the CIA, the military intelligence services, state police, US attorneys and members of the Commission staff to "check and cross-check" every piece of information received. "As liaison," Jenner said, "I used the FBI very carefully. You know we were very critical of them. I used them only in investigating situations that had arisen subsequent to Dallas."

Jenner's overriding concern today is that "responsible journalists" not follow the claque of "bookwriters and theorists" who seek to poke holes in the Commission's work. "I understand the people," Jenner said. "The poor public, they're getting confused. They'd like some reassurance. They'd like to be quieted." But he doesn't believe that a new investigation would come up with the answers they seek. "You have to be very careful of politicians who are up for reelection. They get letters from all kinds of people who are confused, and want to be comforted. They want a new investigation so that they can feel better about their President, about their country." The politicians, Jenner said, respond to the pressure, but "don't investigate much." His experience with congressional committees leads him to believe that "the odds are 95 percent, no accomplishment and 99 percent, a thorough confusion."

The new information that has come to light about the FBI and CIA in Jenner's view is immaterial to the Warren Commission's work. Jenner said it seemed unimportant to him whether Oswald had or had not delivered a threatening note to the FBI because it would not change the chief conclusion of the Commission, that Lee Harvey Oswald killed the President without assistance from anyone. As for possible involvement of the CIA, Jenner said, "It is a horrible thing to think that an agency of the United States was engaged in assassinating a President. Is it possible? Sure, anything is possible. Is it probable? Absolutely no." He opposes any reopening of the investigation unless it can be shown that the questions to be examined "if resolved, would lead down to a material modification of the Warren Commission report." Otherwise, he would not "disturb the people" with another inquiry.

As this sample illustrates, the staff of the Warren Commission believes that it did a thorough job of investigating the leads it discovered in 1964. None of the men interviewed in September felt there was a basis for reopening the case at this time, or even for reviewing parts of the investigation. But doubts persist. As Lee Rankin said, "All our thoughts about the FBI and CIA are different since Watergate." Rankin himself still wonders how Oswald could have been killed in a police station. Everyone involved in the investigation seems to have a few unanswered questions like his.

Public questioning of the Commission's work revived this year with the discovery that the FBI and CIA withheld embarrassing information from the investigators 11 years ago. The *Saturday Evening Post* in its September cover story inquires once again into the "unsolved mystery" of the Kennedy assassination. *New Times* recently published a two-part article discussing the theory that Lee Harvey Oswald was merely a patsy for a crime arranged by some influential conspirators. *Skeptic* magazine devoted its most recent number to the question, "Who killed John Kennedy?" *Time* last week quoted "FBI sources close to the investigation" who believe that John Mohr, former administrative chief of the bureau, ordered the threatening note from Oswald destroyed.

Is there cause for a new investigation? Sen. Richard Schweiker (R, Pa.), a member of the Select Committee investigating US intelligence activities, thinks there is. On September 8 he held a news conference to announce that he would like the Senate to extend the charter of the committee on which he sits to include the Kennedy assassination. Specifically, he would like to examine the CIA and FBI files on Jack Ruby and Lee Harvey Oswald to find out whether these men were actually tied to the intelligence agencies in ways the Warren Commission failed to discover. In addition, he wants to reexamine the performance of those secret agencies during the Warren investigation to determine whether they cooperated fully. To do this, Schweiker must get permission from Congress. At the moment, he cannot convince his own committee. Chairman Frank Church (D, Idaho) and Vice Chairman John Tower (R, Tex.) said they didn't believe there was enough evidence to warrant such an inquiry, and, passing the buck, they suggested that some "separate committee" should be assigned the task. That was a polite, if temporary, way to relieve the pressure.

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Arts and Lives

Stanley Kauffmann on films

Malice Domestic

Three Days of the Condor (Paramount). Is Robert Redford finished? Has he been laminated into a salable stock item to be displayed for a couple of hours twice a year? It seems to have happened with Stacy Keach and it seems to be happening with Redford: a talent of considerable promise is being stiffened in familiar molds, easy to ship and sell. The finger of blame must fix on Redford himself: because a star of his box-office clout can pick and choose. Lately he has chosen to do very little, in any serious sense. Since *Jeremiah Johnson*, in which he gave a good performance as a mountain man exploring inner and outer space, he has made only two efforts at what might be called acting, *The Way We Were* and *The Great Gatsby*. The first was a horrible film, and in the second he was badly miscast. *The Sting* and *The Great Waldo Pepper* were only merchandising: they required nothing more than behaving credibly in between socks on the jaw or climbing in and out of airplanes. And now *Three Days of the Condor*, a political thriller about the CIA, set mostly in New York. Redford is selling high-gloss personality again, doing little more than making this love scene or that phone call credible in between fights for his life.

I first saw Redford on the stage—*Barefoot in the Park*, 1963—where, under Mike Nichols's direction he gave a nicely turned comic performance. The role could not have been more conventional, but Redford found ways to give it validity as a character and as an element in a comedy, and he played it like an Olympic ice skater feeling good. He later repeated it, almost as well, in the film version. Then, in *Downhill Racer* and *Tell Them Willie Boy Is Here* and *The Candidate* and *Jeremiah Johnson*, he showed some promise of becoming another Fredric March: a handsome man, full of sex, with wit and wide human sympathy, with intelligence, with skill and with belief in that skill as the means to truth.

Not lately. It looks as if Redford is just going to "behave" himself to billionaire-dom, "behaving" his way through a series of parts that call only for Series A or B or C reactions and sincerities. I'm certainly not saying that he's bad in *Condor:* but he doesn't do much more than present various arrangements of his facial and bodily muscles in motion and repose. It's a role that wouldn't have been much of a strain for the young Buster Crabbe.

Condor is based on a novel by James Grady which I riffled through last year, thinking I might as well wait for the film. The script is by Lorenzo Semple, Jr. and David Rayfiel (once a playwright of promise). It deals with a camouflaged CIA station in New York, all of whose members except Redford are wiped out by assassins. The "three days" of the title are those in which the agency tries to get him back under their protection—he has fled and is being hunted by the people who killed his friends—and the story is about the intrigues within the CIA itself that caused the original wipe-out.

The idea of internecine trouble in a secret agency is old hat in suspense stories. (See John Le Carré.) And the idea that the CIA might be involved in killing could come as a surprise only to those who haven't been following events in Vietnam since 1963. In addition *Condor* relies heavily on familiar tropes. The hero, as in countless thrillers, is a relatively sedentary type who is plunged into extraordinary circumstances and suddenly knows all about pistols and clever dodges in hand-to-hand combat. He's given a girl at the beginning who is patently set up to be killed: we know it here because she is Chinese and because she is not Faye Dunaway, who is Redford's co-star. And Dunaway, for some reason, has agreed to play the Girl Whom the Hero Sleeps With En Route. They've tried to beef up her part with character touches: she's a classy photographer who lives in Brooklyn Heights. They've even given Dunaway her own makeup man and hairdresser. To no avail. In this picture she is only Redford's stooge, with nothing of her own to do in the plot.

The only near-performance in the picture comes from Max von Sydow as a professional killer. (He even managed to give some reality to the old priest in *The Exorcist.*) A gray technician's life in gray hotel rooms without even the rewards of amorality—all this von Sydow puts behind his performance and therefore in it. Admittedly, however, it's the only interestingly written part in the script. John Houseman, as a CIA bigwig, gives what has so quickly become his standard plump pussy-cat performance.

I've read comparisons between *Condor* and *The Wilby Conspiracy* (reviewed last week) that give *Condor* the decided edge. I can't see why. *Condor* is much more topical for Americans, but in itself it's no more credible than *Conspiracy*, is equally maneuvered to keep the hero alive, and is only marginally more exciting. Sydney Pollack has directed *Condor* with more of the Handi-kit repertoire of cinematic virtuosity than Ralph Nelson can use, but on the nontedium scale, which is all that matters in pictures of this kind despite their pretensions to moral resonance, I was at least as well entertained by three good actors, Poitier and Caine and Williamson, as I was by the good actor von Sydow and the nonacting Redford surrounded here by computer-printout people in a chintzily reupholstered old plot. I hope Redford is back into something more than the exercise of stardom and muscles in his forthcoming Watergate film with Dustin Hoffman.

White Line Fever (Columbia). A small phenomenon. It was released widely

Films Worth Seeing

Coonskin. Ralph Bakshi's cartoon-live treatment of race-riven New York. Weak story, but bitter, bawdy, sometimes brilliant execution.

Nashville. The country-music scene as America in not-so-little. Smooth and clever enough, less deep than it wants us to think it.

Smile. It's redundant to satirize beauty contests. But the cast and Michael Ritchie's direction are good.

The Wilby Conspiracy. Political thriller, South Africa. Fair-to-muddling plot, but three good actors—Poitier, Caine, Williamson—and some bright dialogue.

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around the country (very wisely) before it opened in New York, and right now is number three in the *Variety* weekly list of top-grossing films. The title refers to the hypnotic drowse that sometimes threatens long-haul truckdrivers, who are the subject. It's relatively short, 90 minutes, and has no stars, but that's not exceptional for "sleepers"—it's just their unlikeliness for success that makes them "sleepers."

What's interesting is the new use of tradition. The script was written by Ken Friedman and Jonathan Kaplan, and was directed by Kaplan, both of whom are graduates of the NYU film school. These young men evidently know a lot about the "classic" American film, which is to say the best of the Hollywood commercial product, and have consciously shaped their picture on that model. They have made sure to include certificates of modernity—such as profanity and the fact that the young hero and heroine always kiss open-mouthed—but the basic procedure is to base the story in the realistic and then to urge it into the hyperboles of cinematic romance.

A young independent trucker tries to keep clear of the pressures (which soon include violence) of the big moneymen who deal in contraband and payoffs. As in the many models that Friedman and Kaplan must know, there are lots of veristic details in minor matters, like barroom diversions and marital quarrels, and there is wild fantasy in the climaxes, as when the hero makes his truck leap through a huge sign belonging to Mr. Big. Thus the viewer can salve his conscience. He knows that the filmmakers really know the life they are dealing with: witness the nitty-gritty décor. And he knows that they are "only" making a movie, so he can let them indulge in the fantastic—and can enjoy it because he is "only" watching a movie. Straitening but neat, this whole process, and very traditional; and these two young men show adroit reverence for the tradition.

There are further echoes. Because the setting is Arizona there are suggestions of the Western updated, the lone trucker instead of the lone rancher fighting the cattle syndicate. But the chief resemblance is to *On the Waterfront*, inland and reduced. The word "union" is never used, but the conflict comes because a working man refuses to accept well-padded slavery. One last echo: the final scene, in which dozens of grateful friends gather silently to honor their hero, is very much like the scene of Garson Kanin's *A Man to Remember* (1938) in which Edward Ellis is an old doctor to whom the townsfolk express their gratitude the same way.

Comedy and the Silver Screen

Surrealistic Burlesque

One of the classics of the silent screen ends with a bizarre funeral. The mourners dress in white and throw rice at the hearse; a jet of air blows the ladies' skirts up whenever they walk over a particular spot; the mourners treat the funeral wreaths like pretzels, breaking off bits to eat; the hearse is inexplicably drawn by a camel. As the funeral cortege moves slowly toward the cemetery, the hearse and coffin decide to take it on the lam breaking away from the group and racing merrily down the road under their own power. The mourners rush off after the wayward hearse, giving rise to a frantic, breathless chase, punctuated by shots of a speeding, plunging, roller coaster. The chase ends abruptly when the hearse hits a rock, the coffin falls to the ground, and the corpse arises from it, in seeming protest against this undignified treatment. The corpse thereupon makes each of the mourners disappear with a wave of his magic wand, and the film comes to its end.

Now, who made this film? Mack Sennett? A good guess—but wrong. Hal Roach? Wrong again. The film is not an American slapstick comedy but René Clair's *Entr'acte* (1924), one of the classic pieces of French surrealism. The closeness of the film's spiritual kinship to American movie burlesque reveals the closeness of the two traditions that produced, on the one hand, Alfred Jarry, Guillaume Appollinaire, René Clair, Jean Cocteau, Jean Epstein, Salvador Dali, Luis Buñuel and Marcel Duchamp, and on the other, Mack Sennett, Laurel and Hardy, the Marx Brothers, W.C. Fields, and most recently, Woody Allen. The French surrealists of the '20s admitted their love for Sennett and their debt to him, while Salvador Dali went so bananas over the Marx Brothers that he wrote a movie script for them that was full of strange bananas. (The Marxes didn't understand a word of it.)

There are other traditions of American movie comedy—in particular graceful mime and movement of the human body as physical instrument (Chaplin, Keaton, Lloyd, Langdon) and the verbal crackle of sharp words and the snap of sharp tongues (Sturges, Capra, Hawks, Cukor). But there is a third tradition that straddled the worlds of surrealism and the burleycue, and shares four essential traits with the surrealists.

The seriousness of silliness. The surrealists consistently attacked the "high seriousness" of the arts, the conventions and ideals that endowed the experience of art with all the solemnity, sanctity and deadness of a funeral. By holding nothing as sacred (for example, Clair's burlesquing a funeral), the surrealists sought to endow the experience of art with joy, freedom, liberation, rebellion—a creative act of destruction. And one of the most useful tools for destroying high art was parody—turning some serious work of art into nonsense, high art into low.

The first surrealist play, Alfred Jarry's *Ubu Roi* (1896) was a parody of both French classical tragedy and Shakespeare's *Macbeth;* its protagonist is Papa Ubu, a fat glutton, who seizes power, money and property solely so he can stuff his already porcine stomach. His first word, the so-called *mot d'Ubu*, started a riot in the Théâtre de l'Oeuvre on opening night; the fat buffoon strode toward the footlights majestically to proclaim: *"Merde."* That *mot d'Ubu* is the watchword of both the surrealist movement and American movie burlesque. Some three decades after Papa Ubu's first proclamation, Jean Cocteau proclaimed *merde* on polite, bourgeois drama with his parodic *Wedding Party on the Eiffel Tower*, and some three decades after that, Eugene Ionesco proclaimed *merde* on the well-made, boulevard play with his parodic *Bald Soprano.*

Mack Sennett proclaimed his *merde* by throwing a custard pie in the face of somebody or something respectable.

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Cops, rich snobs and uppity professors were perfect targets for a pie in the face, a brick in the head or a kick in the pants. They remained the same kinds of targets for Laurel and Hardy, the Marx Brothers, W.C. Fields and Woody Allen.

Sennett also proclaimed his *merde* by parodying the biggest film hits of each year. His answer to D.W. Griffith's serious melodramas was *Tillie's Punctured Romance*, his answer to James Cruze's *The Covered Wagon* was *The Uncovered Wagon*, to John Ford's *The Iron Horse* was *The Iron Nag*, to Lon Chaney's *The Hunchback of Notre Dame* was *The Halfback of Notre Dame*, and to movie heroism in general was cross-eyed Ben Turpin in particular. In *Horsefeathers*, the Marx Brothers parodied Jean Harlow's sexuality (with Thelma Todd's wandering beautymark) and Theodore Dreiser's *An American Tragedy* (as Groucho reclines in a rowboat while Thelma does the rowing). The action of *Animal Crackers* stops altogether so Groucho can parody the psychological pretentiousness of O'Neill's *Strange Interlude*, the most "highly" serious play and playwright in America at the time, with an inexplicable and incongruous aside to the audience. In *Never Give a Sucker an Even Break*, W.C. Fields parodies the sappiness of Hollywood operettas, while in *Love and Death* Woody Allen parodies the highest seriousness in both literature (Tolstoy's *War and Peace*) and cinema (Eisenstein's *Potemkin*, *October* and *Alexander Nevsky*).

The relevance of irrelevancy. From the *merde* proclaimed by parody it is only a short step to proclaiming it by disdaining all the conventions and logic of the well-made work. Both the surrealists and the clowns attack the structural assumptions of high art (that a work must be unified, cohesive, coherent; that everything must function; that every event must follow from that which preceded and must lead to that which follows). They proclaim this *merde* with a deliberately illogical narrative of nonconstruction, introducing non sequiturs, irrelevancies, impossibilities and outrageous caprices that neither follow from anything nor lead anywhere.

Jarry's *Ubu Roi* is less a unified play than a series of vignettes and skits. Guillaume Appollinaire's *The Breasts of Tireisias* inexplicably takes place in Zanzibar (a location that does not function in the play) and inexplicably uses a single person to play all the People of Zanzibar (who also do not function—except for making bizarrely irrelevant sound effects throughout the "play"). The *dramatis personae* of Eugene Ionesco's *Victims of Duty*, a play about the craft of playwriting, includes an anomalous lady who does not function in the play at all, and his *Bald Soprano* is a string of non sequiturs (which is also the basis of the play's title). Luis Buñuel's *The Milky Way*, *The Discreet Charm of the Bourgeoisie* and *The Phantom of Liberty* are strings of anomalous vignettes and scenes, often having little or nothing to do with each other, often introducing characters who inexplicably disappear from the film, never to appear again, often teasing the viewer with suggestions of coherence and orderliness, that Buñuel deliberately promises and slyly never fulfills.

So too Mack Sennett's films are frequently strings of gags and vignettes that are not about anything at all. Like Ionesco's *Bald Soprano*, Sennett's *The Surf Girl* has a title character who does not exist and whose nonexistence is never explained. Although the Marx Brothers films appear to be about something, *Duck Soup* is no more about government than *The Milky Way* is about a pilgrimmage from France to Spain or than *The Phantom of Liberty* is about political freedom. Two of the greatest moments in *Duck Soup*—the peanut vendor brawl between Harpo and Edgar Kennedy and the mirror scene with Groucho and Harpo—are not only not about government but they are not about anything at all.

W.C. Fields's *Never Give a Sucker an Even Break* is also not about anything; it may be the worst constructed movie ever made, an assessment that its maker would take as a supreme compliment. Although the title of *Love and Death* sounds like a parody of *War and Peace*, Allen throws in such irrelevant caprices as a parody of a phenomenological discussion on the distinction between subjectivity and objectivity, strings of titles of Russian novels, a montage of stone lions that parodies Eisenstein's *Potemkin*, an absolutely irrelevant playlet about venereal dissease, an anomalous scene of a village idiots' convention, and (most like Ionesco of all) a serious conversation composed entirely of a string of clichés.

The craft of craftlessness. The irrelevant is relevant for the clowns and surrealists because it calls the whole notion of artistic relevancy, order and logic into question. Behind the attack on relevance is a general attack on the well-crafted, well-made play or movie. For the surrealists, high art's respect for craft and construction is both a symptom and a source of its banality and rigidity. Craft imprisons the imagination of both artist and audience; craftlessness frees the mind and the work from artificial constraints.

For the American movie clowns, craft (especially Hollywood's studio craft) is a sign of pretentiousness, the means of making tawdry and sentimental claptrap into something respectable. One reason that the Marx Brothers' Paramount films (especially *Monkey Business*, *Horsefeathers* and *Duck Soup*) are so much more exuberant and delightful than most of their MGM films (especially *At the Circus*, *Go West* and *The Big Store*) is that their early craftlessness was eventually overwhelmed by the most craft-conscious studio in Hollywood (a studio that specialized in respectable claptrap). One reason that W.C. Fields's later films at Universal (especially *The Bank Dick*, *Never Give a Sucker an Even Break* and *You Can't Cheat an Honest Man*) are more consistently delightful than his earlier films at Paramount is that Universal was one of the least craft-conscious studios in Hollywood (a studio that specialized in cheapness).

The joy of bad taste. For Papa Ubu to cry "*merde*" was a shockingly impolite dis-

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play of bad taste. So was the opening shot in Luis Buñuel's first film, *Un Chien Andalou:* a man casually walks toward a seated woman with a razor, spreads her eyelid, and slits her eyeball. Similarly there is not a single one of the movie burlesque clowns that someone or other didn't consider vulgar in some way or other. Mack Sennett violated polite taste by making psychological, racial and ethnic stereotypes comport themselves in brash, vulgar, venal ways. The Marx Brothers violated polite taste by turning the model of polite taste and comportment, Margaret Dumont, into their comic butt. W.C. Fields violated polite taste by hating everything polite; in *The Bank Dick* he prefers to spend his days in the Black Pussy Café. (The vulgarity of a "Dick" that spends its time in the "Pussy" could only have gotten past the censors because they didn't put the words together.) And Woody Allen manages to offend almost everyone's notions of social, psychological, sexual, political and ethnic propriety.

Behind the surrealist attitude toward art was a parallel attitude toward *reality.* To subject the artistic experience to rules of logic was parallel to subjecting the human experience to those same rules—as if the natural laws that explained objective reality were not themselves manufactured by human beings and as if the subjective world of thoughts, feelings and the imagination were any less real or important than the objective one of things and matter. A delightful bit of burlesque in Cocteau's 1923 play, *The Wedding Party on the Eiffel Tower,* reveals the surrealist conviction in the absurdity of trusting in logic, reason and natural laws. As a photographer goes about his business of photographing the wedding party, he cries out, "Watch the birdie." Each time he does, some bizarre object or animal issues from his camera (for example, a birdie flies out). The final time he calls, "Watch the birdie," a lion issues from the camera, terrifying the wedding guests. A brave general, the wedding's guest of honor, argues that the lion cannot possibly exist, that there is no cause for fear. After this convincing demonstration, the lion eats him.

Although the American burlesque clowns did not have the same conscious conviction in the absurdity of logic and the possibility of the impossible, they did have a firm conviction in the absurdity of pretentiousness and smugness. Their consistent targets were all those who thought they were better, smarter, richer or in any way superior to the general lot of human beings. And like the surrealists, their attack on these figures of smug superiority was an act of unmasking and exposure. Margaret Dumont in the Marx Brothers films, or Groucho's impersonations of politicians, doctors and professors named Firefly, Quackenbush and Wagstaff (now that's a slyly obscene bit of bad taste!) exposed the emptiness of those who claimed to *know* (just as Socrates exposed the same kinds of pretensions). James Finlayson, Edgar Kennedy and Billy Gilbert in the Laurel and Hardy films proved that homeowners, husbands, bosses and professors could be as petty, vengeful and spiteful as anyone. Underneath this kind of exposure lay an attitude that was surprisingly close to the surrealists: there simply isn't anything to *know.*

The one American clown who combines the consciousness of the surrealist with the instinct of burlesque is Woody Allen, who is reviving the tradition of brash impolite, craftless, carefree, careless chaos that has lain dormant for 35 years. Of course it can be said that Allen doesn't make good films, but good moments. But then precisely the same is true of Sennett, Fields, Laurel and Hardy and the Marx Brothers. Of course it can be said that his work is uneven, sporadic, ill-crafted and fitful, that his jokes often don't come off, that he scatters his gags upon the ground rather than crafting and concentrating them. But then precisely the same is true of Sennett, Fields, Laurel and Hardy and the Marx Brothers.

Compare, for example, Allen and Mel Brooks who on the surface might appear similar in taste and talent. They both begin by making parodies. But Brooks also ends there. His *Young Frankenstein* is a parody of the entire Frankenstein genre and nothing else; it remains safely and carefully contained within that pure universe of art. Woody Allen's *Love and Death* might begin as a parody of *War and Peace,* but as it continues it becomes a parody of Eisenstein (Prokofiev's "Lieutenant Kije" and "Alexander Nevsky," that provide the film's musical score, were originally written for Eisenstein films), of high seriousness in art, of philosophy, of movies, of love, death, war and, eventually, of being serious itself.

Or take the great sequence of fondling the shiny metal globe in Allen's *Sleeper.* Of course there is a movie conceit in the idea. Woody as robot looks exactly and intentionally like Harold Lloyd. But in the scene's observation of methods, needs, modes and etiquette of turning on, in its observation of the kinds of people who turn on (these globe-fondlers are pretentious, affluent, middle-aged, radical-chic types, not young, stoned hippies), and in its use of that metal globe (rather than a drink or a joint) to distance us from the process of turning on (that globe could be considered a kind of Brechtian alienation device), Allen's comic scene leaves the universe of art to illuminate and ridicule the world in which we live.

In the same film there are the multilevels of both comedy and comment in the Passover Seder sequence, the scene in which Woody informs his parents that he is divorcing his wife. The scene begins with the irony that a familial gathering for a holiday is juxtaposed with an announcement of familial dissolution. Then there is the parody of psychoanalysis and psychodrama in the scene, for in order to enact this psychodrama, the parts must be written down, not improvised. And so the people in a real psychological event become mere actors in a playlet (another distancing or alienation device that makes it easier to see the issues and ideas). Finally there is ethnic irony and contrast in the fact that Woody's two Jewish parents must be enacted by two young, beautiful, blonde Aryans, who very carefully attempt to ape Jewish accents (they do it very badly). And so the serious psychological event becomes imitation Borscht-belt humor. The result is a burlesque of psychology, of family relationships, of ethnic distinctions, of social stereotypes, of theater and of life's most important issues.

Whereas Mel Brooks crafts his parody with care and consistency, Woody Allen, like the surrealists and the burlesque clowns from whom he descends, disdains craft, care, consistency and seriousness. In his total reduction of seriousness to nonsense, he, like his goofily wise progenitors, reveals the nonsense of our seriousness and the seriousness of our nonsense.

Gerald Mast

Gerald Mast is the author of *The Comic Mind: Comedy and the Movies* (Bobbs-Merilll).

COMING

Alfred Kazin on
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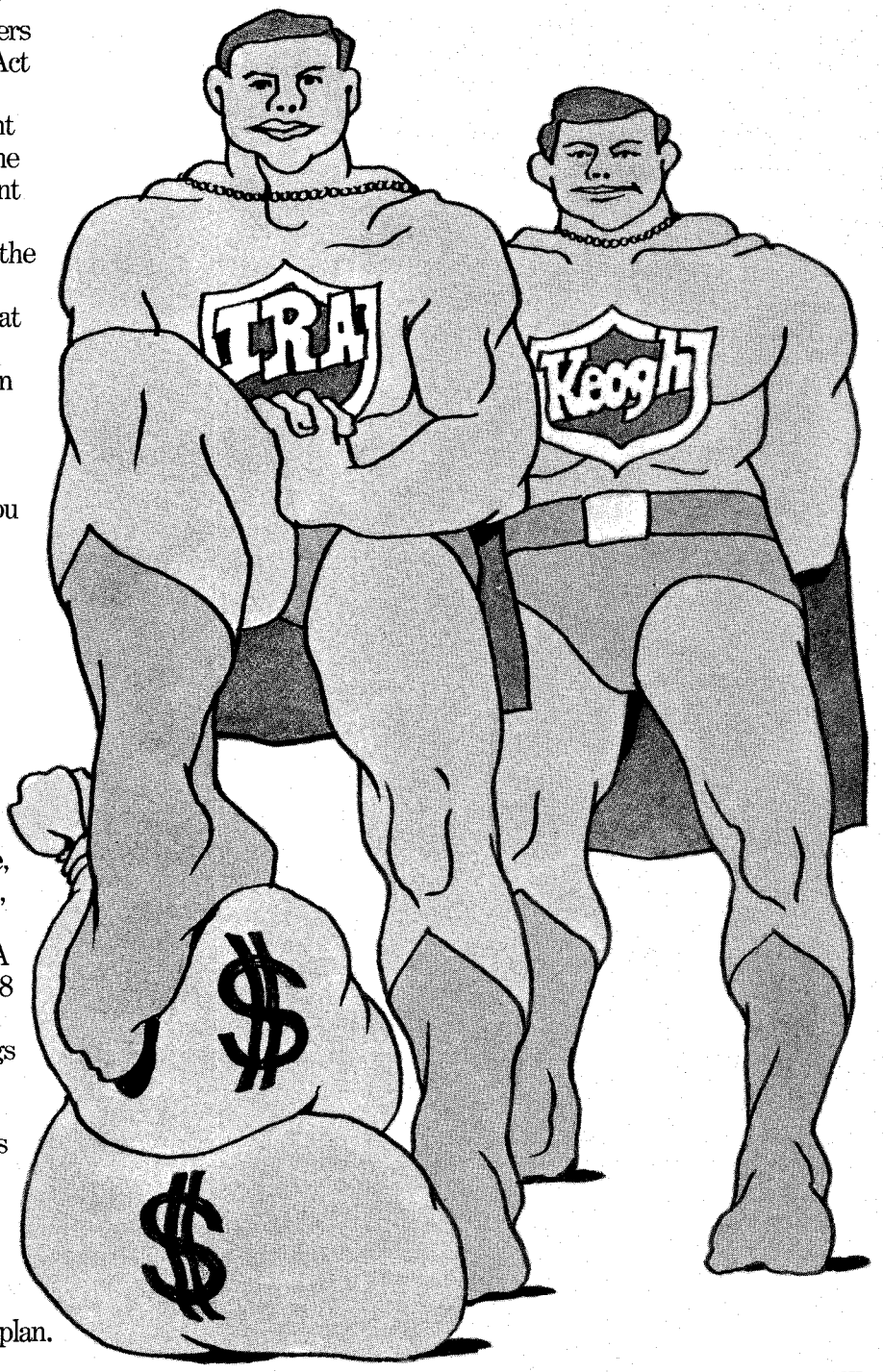

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Books Considered

Edith Wharton: A Biography by R.W.B. Lewis

(Harper & Row; $15)

Something of an individual is immutably present from infancy to old age as portraits often show—the picture of Edith Wharton at five displays the same expression, small round eyes stretched to their widest and brows mournfully bent above them, as that taken when she was 72; it is the look cast upon Love's retreating back. The Victorian child standing stiffly in her long dress and high boots with a pork-pie hat set squarely on her head also has the same mouth, a horizontal slit like the opening of a letter box, only in the old woman there is some slight parting of a smile, as though she has managed, after all, to cut her losses. She had not been much cherished by her prim, fashionable mother, and she had grown, among all the advantages of wealth and social position, into a reserved girl whose gift for literary self-expression was an incongruity if not a deformity in her circle. Ultimately it became the means of her writing in stories and novels the Letter to the World that was the aim of Emily Dickinson in poetry. But Emily Dickinson, whose art could not have less resembled Edith Wharton's, was the female genius as recluse and solitary. Edith Wharton became a tireless explorer of varied scenes who had company wherever she went.

Still the impression of loneliness remains. Almost everyone who knew her spoke of a barrier that seemed to stand between her most private being and any would-be intimate. The husband she chose (as though to impose upon herself a continuation of her youthful isolation) was a perfect representative of the class into which she had been born, a dull idler without intellectual tastes of any kind; and it is difficult to imagine that she had ever cared deeply for him. Love outside of marriage came in middle age as a brief sensuous liberation, an opening of conduits soon closed again. Another attachment seems to have persisted for many years but may have lacked the intenser reciprocities of passion. Among all those to whom she was "dear Edith," there was never one to whom she was dearest.

She was a strong, long-living person and she managed to get much that she wanted. She saw a great deal of the world and lived where and how she was best pleased, putting wealth to more imaginative personal uses than had her wealthy forbears, making it serve her esthetic hunger and mental curiosity in wide-ranging travels and in the achievements of home decoration and gardening in which her skills were of professional caliber. And she wrote her books, clearly an achievement beyond the scope or even comprehension of most of those forbears, at the same time that this achievement earned her a fortune—something like $850,000—that they would have understood very well. She wrote a great deal, perhaps too much, but much of her writing is evidence of her ability to tell a particular story in durable fiction. Her own story, that of the confined self, the "close" as she called it, that thrusts itself vainly against psychic and social walls. But that she had become the artist who could tell such a tale was, of course, a scaling of those walls.

She had been influenced in her youth by the rationalism of 19th-century science; her first important work of fiction, *The House of Mirth*, is a pure example of literary naturalism. Lily Bart, its heroine, appropriately named for a flower, is conceived in repeated natural imagery as a "water-plant in the flux of the tides," whose fastidiousness is a weakness in the struggle for survival that requires her to make the "right" social marriage or die. In this novel, also, Edith Wharton has employed that satire of social surface which was the complement of her naturalism. The coercive impositions of Fifth Avenue and Newport and Tuxedo Park, of Old New York and of its new-rich invaders were all set down by Edith Wharton out of her own experience, as a Dreiser (whose *American Tragedy* she greatly admired later) would do in depicting the circumstances of a humble American life—though with comic exaggeration rather than realistic exactitude. Indeed, she did not see so much difference between the essential tale of Lily and of her own hard-scrabble New England farmer, Ethan Frome, who is trapped by the marriage bond, doomed to a mutilated life precisely because he has struggled, once, to escape his fate.

Later, in her finest novel of the New York world of her youth, *The Age of Innocence*, she tells again a cautionary tale in which the almost-rebel Newland Archer realizes the truth that he belongs irremovably to the life he has always known, that, like a creature whose inherited qualities fit it only for a particular environment of land or water, he can really live only in his natal world, however limiting. But her naturalism, like Dreiser's also, took account of those who, like herself—or Sister Carrie or Frank Cowperwood—had broken out of barriers, those who had such strength of will and personality that they became themselves invading natural forces. Such is the protagonist of Edith Wharton's most powerful—and coldest—book, *The Custom of the Country*. Out of the savage hinterland—Apex City, USA—comes one of the new invaders who will rise from level to level of the old societies not like a floating water-flower but like the river itself, or the water spirit Undine for whom she is named, who must still earn herself a human soul by marriage to humanity.

The naturalist conception of society as

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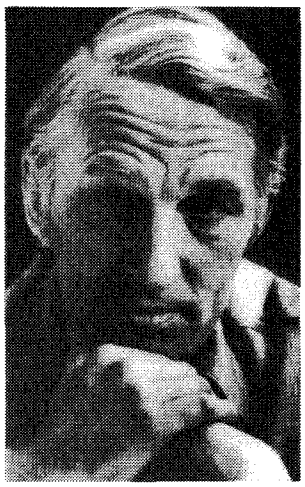
COMMEMORATIONS by HANS HERLIN



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environment and man as a natural creature in it remained the foundation of her best writing, but as she grew older the social frame she had known dissolved and man seemed cast adrift. Still she saw him imprisoned by something inescapable. Her sense of human tragedy became "Racinian," as James called it after reading her early *The Reef* in which the destiny that governs her characters arises out of the unforeseen clash between individual impulse and the basic laws of the family that persist in all societies. For this cause the theme of incest is appropriately implied in some of her later fiction. In *The Reef* it is already hinted at in the love between the lovers of a mother and a son. The theme will almost reappear in the later *The Mother's Recompense* in which a mother's lover falls in love with her daughter, but in the later world of the second novel the old taboo gives way as the old generation yields to the new. In the still later *The Children,* family structure has disappeared altogether for the offspring of much-divorced and remarried parents, and as in James's *What Maesie Knew* any adult is the parent of any child, so love between them is bound to be tragic.

One can guess that Edith Wharton's interest in the theme of incest had some personal source. Her mother's rejection may have caused her to fix her feelings too strongly upon her father, a gentle man who vanished early from her life. In his place she tended to seek other older teachers and protectors rather than coeval equals of the opposite sex, and though she rightly blamed her mother for failing to tell her "the facts of life" on the eve of her marriage it is significant that at 23 this intelligent, well-read young woman had no notions of her own. One can only conclude that there was a willed blindness at work, as there would be if her sexual emotions had been unconsciously directed upon her father. The love affair that appears to have freed her at last from what may have been a hysterical frigidity was, it should be noted, with a man considerably *younger* than herself. Thereafter, however, as though to renew the sense of taboo, she took a maternal interest in younger and younger male friends who did not become lovers. Growing old she became, instead of the child, the parent whose love was hedged by prohibition. Whatever the psychic explanations for her interest, the incest theme gains an impersonal significance in her fiction as a symbolic representation of disaster hid in the coils of fate, related, like the unwitting crimes of Oedipus, to the degeneracy of the city of man. The modern community, as her writing continued to show, was more and more degenerate.

To test these and other ideas about her life and work we have long needed a full biography of Edith Wharton that would go beyond the artfully composed memoirs she left behind. Although certain parts of her experience have been made more visible as other sources have been studied, only after 1968 have all her papers, including a locked-up portion of those at Yale University, and also some still in the possession of her heirs, been laid open to an investigator. That investigator has been R.W.B. Lewis who was granted exclusive use of both the open collections and the sequestered deposit at Yale, and who has consequently produced today a work of inescapable importance. Its importance makes it the more regrettable that it is not a better work.

Lewis has interviewed most of those who remember the aging novelist, and dredged a mass of detail out of the documents placed in his hands. From her legatee, William Tyler, he obtained the hint that enabled him to identify Morton Fullerton as the lover referred to in a private journal she kept in 1908—up till now all who have written about her, including Lewis himself, have assumed this man to be her lifelong friend Walter Berry. He has been able to provide a fuller account than heretofore available of her crumbling marriage and her divorce from Teddy Wharton, the half-demented clown whose peculations (he had speculated with his wife's trust funds!) offended more than his sexual infidelities. He has filled out the record of her visible life, also—her relief work during the World War I, her travels, her social life, her earnings. But the trivial has tended to accumulate on his many pages, silting over the contours of the life she lived till one loses sight of hills and valleys. His subject's meticulously kept date books have tempted him, it seems, to omit to mention hardly a dinner she ever gave or attended and to transcribe all the guest lists she filed away. The effect is to produce for the reader a blur of figures—as at a huge party where one's real friends are mixed confusedly with a host of strangers who bar one's way to them. One bumps into minor actors at every moment and must stop to identify them, yet when we meet, for example, Percy Lubbock, a close friend of many years, we get only the barest introduction and though we encounter him again and yet again in the

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press, gain no insight into his character.

The Fullerton liaison *is* important but Lewis is not right in believing that "almost everything about this man interests us." Marion Mainwaring, who is independently at work on the history of this curious man, has rooted out of forgotten trunks in France a mass of letters that have enabled Lewis to detail at length his pre-Wharton erotic adventures. It is a bizarre tale—Fullerton had affairs with the Ranee of Sarawak and Wilde's homosexual friend Lord Gower among others, and while he was Edith Wharton's lover he was blackmailed by another mistress who had gotten hold of love letters from some of these persons as well as from a cousin, who, to add a fillip to his relation with her, had been brought up as his sister. Still the full Fullerton life might have been left to Mainwaring, especially since we do not possess any correspondence at all to flesh out the one episode that interests us, only the rhapsodic journal Edith Wharton kept and several still vaguer poems addressed to her lover.

Some mystery remains. Most of her friends seem to have believed that Berry was the only man she ever loved and to have not known about this interlude. Did Henry James, who was a close observer and also Fullerton's friend, know? Lewis says yes, but does not offer explicit evidence that James's sympathetic letters do not mostly refer to her difficulties with Teddy. And Berry's role is still not satisfactorily explained. Perhaps it never will be, for at his death she got hold of all her letters to him and burned the lot (as she had previously done with his letters to her)—a fact that suggests that they had a similar significance to the vanished correspondence with Fullerton, for she saved the letters of others almost invariably. There seems no basis for Lewis's certainty that they were never lovers. She did call him in her memoirs, after all, "the one friend in the life of each of us who seems not a separate person, but an expansion, an interpretation of one's self, the meaning of one's soul."

The other greatest of her friends because of his intellectual as well as personal importance to her and because he was greater himself than anyone else she ever knew, was, of course, Henry James. In the decade of their friendship before his death he had begun by standing as a literary model, then, as his example proved less applicable to her own bent, a friend whose company as "host, as visitor, as fellow guest at others" homes in England or France, was of unique value. He, for his part, watched her through the trajectory of those years with sympathy and supreme discernment. He took pleasure in her company and was diverted by the spectacle she offered, but he seems, I think, to have seen her life as an ironic tale he might have told. It was that of an American woman (like his own Isabel Archer!) who had trusted too securely the great freedoms of wealth and talent and personal energy.

Lewis, however, does not believe James did her justice, and quotes only sparsely from the many remarkable letters in which he developed his view of the course of her life in a style of mingled high comedy and mordant seriousness. It is surprising, therefore, that he makes no mention of the later letters James wrote during the war in which his self-criticism of herself-and-others-consuming restlessness changed to admiration. In either mood, of course, this unique voice should sound in the air about Edith Wharton in any biographic account of her. There is also an omitted biographic story in her struggle to achieve a literary identity through a long, loving quarrel with the Master's example. But the literary-critical side of this biography is perhaps its most disappointing aspect; Lewis's discussion of the Wharton *oeuvre* is casual, and sometimes he has plainly read too eagerly and too carelessly to snatch a biographic significance from a story or novel.

A word should be said about a story fragment by Edith Wharton printed as an appendix. Although by no means the "discovery" Lewis calls it—for it has been for years in the catalogued "open" collection at Yale where, I presume, other students have seen it as I did at one time myself, it is indeed a curiosity: a pornographic description of a scene of cunnilingus and fellatio followed by standard intercourse between a father and a daughter. Lewis praises the writing, but it is really without literary merit; the revelation that the writer was capable of such a reverie, even committing it to paper—in a rather shaky hand as I remember—is perhaps not startling. What is of biographic interest—to be absorbed into a biographer's narrative rather than exposed in full quotation, I would say—is the confirmation it offers that incest was a personal theme for Edith Wharton—which, I have suggested, one might have deduced from her published fiction.

The subject of a biography has no firm contour when it comes to the biographer's hand; it is, rather, a thing of inflatable plastic. Yielding according to where and how it is blown into shape, it may be squeezed here, allowed to bulge there. No doubt Lewis is entitled to his own bulges and compressions; it is the way, after all, that he "sees" Edith Wharton. Yet one holds the conviction that there is some truest, most lifelike presentation, close to the living figure, and that without undue manipulation it may duplicate the woman's natural form.

Millicent Bell

Millicent Bell is the author of *Edith Wharton and Henry James* (Braziller).

The Awkward Embrace by Joan Simpson Burns

(Knopf; $15)

The Awkward Embrace is a large, complex and bewildering book about a large, complex and bewildering subject: the relationship between the American artist and the institutions that employ, exploit and support him. It was written, the author tells us, "to find answers by describing actions to suggest how our culture has been shaped," and shaped specifically in the 1960s, when material affluence permitted the transcendence of narrow economic constraints. "Artists as a group" and "particular managers" are the poles of the discussion, "since artists are radical beyond any political activism."

The original idea still seems interesting. The author, Joan Simpson Burns, would interview a series of influential decision-makers within the American cultural complex. By adding her own insights to the interview transcripts she could explicate problems of artistic form, personal identity and audience definition presented by this world of powerful managers.

Nine men were chosen, all self-made, and each representing a major institutional force that was involved with the arts. For broadcasting, Frank Stanton of CBS; for the university, Harry H. Ransom of Texas; for government, Rep. Frank Thompson; for the magazines, Hedley Donovan of *Time*; for music, Goddard Lieberson of Columbia Records; for museums, Lloyd Goodrich of

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the Whitney; for foundations, W. McNeil Lowry of Ford; for newspapers, Turner Catledge of *The New York Times*; and for publishing, William Jovanovich of Harcourt Brace Jovanovich. All agreed to talk about themselves, their ambitions, expectations and experiences in managing.

With nine men of differing temperaments; others contrast completely. difficult to generalize. In these portraits, some seem authoritarian in their relationships; others more submissive. Some are on the borderline of the art world, in their interests and temperaments; others contrast completely. Joan Burns wants to make some statement about the changing status of the independent artist in this world of power and money. Having herself suffered various wounds while working as a writer for several of these institutions, and having pondered the ambiguities of taste, information and personal fulfillment, she seeks to explore the meaning of the new art patronage.

But the wordiness, the elaborate organization and the transcripts themselves defeat any overall intention. The interviews produce fascinating pieces of personal information, but the complexity of the problems being discussed robs them of the vitality that belongs to some modern oral history—Studs Terkel's books, for example. Terkel focuses upon his subjects; they aren't used as objects in the production of an argument. As a result the emotions, the physical impressions, the experiences of those interviewed can dominate the text. This is not true here. Burns is interested in reminiscence, and her subjects oblige, but she is also interested in a wide range of opinions and ideas about the nature of art, the institutionalization of American culture and the organization of power. When speakers get talking on this level it is sometimes difficult to follow their logic, or to connect it with their experiences.

The book is further complicated by the author's own views. Honest admission of biases, which is one of the book's endearments, is not the same thing as outlining a series of assumptions. The model of social organization that Burns presents is so eclectic that it is not clear where her ultimate persuasion lies. Interspersed throughout the interviews, the background information, some narrative history, and some self-revelation, are quotations by psychiatrists, anthropologists, sociologists, literary critics and economists about the nature of creativity, the psychological sources of strength and identity, the character of bureaucratization and a host of other important issues. But these views are not interchangeable like furniture modules. They represent comprehensive if vulnerable surveys of man and society; lacking intellectual contexts the quotations take on the character of free-floating *aperçus*. "I have tried to make a book which in itself is a metaphor," the author announces at the start, a dangerous procedure when neither the symbol nor the symbolized is clear.

But if the issues are too loosely and personally structured, they are nonetheless present. For the past two decades, levels of artistic patronage have reached enormous heights and taken new forms. Except for its brief depression era experiments, the federal government entered the arena of art support for the first time in the 1950s and '60s, and at present expends several hundred million dollars annually through the two great endowments—for the arts and the humanities. Foundation intervention, most notably from Ford, the growth of publishing-reproducing-recording conglomerates, museum and gallery expansion and the presence of a newly affluent and newly interested audience, have changed relationships among producers, dispersers and consumers of art. In addition a series of intellectual and ideological shifts have challenged even the loosely-constructed older definitions of art. Certification, legitimization and popularization are not only confused in an operational sense; their very presence has provoked hostility. When all definitions are subject to denial, when every relationship labors under perplexing self-scrutiny, the role of those with power and wealth increases, not simply their economic role but their intellectual role as well. The managers of American cultural institutions are more than simple retailers of the art they discover; they are shapers of artistic movements, interpreters, patrons, critics and perhaps even artists themselves, simultaneously.

In the 19th and early 20th centuries American artists convinced themselves that they labored in a society where art was unimportant, supported only by social ambition or community boosterism. A lack of serious attention was their most frequent complaint, and the whole range of artist societies and academies, that responded to a need for higher status and greater security, fought to obtain recognition. In some ways it is not lack of attention but too much attention that raises artistic problems today: attention that is transforming in its energies and subversive in its effects. Critics of painting and architecture have in particular been sensitive to a network of mutual irresponsibilities and contrived definitions that has complicated the artist's role in a society newly conscious of art as symbol, investment and force. The duties of a curator or a foundation patron or a university administrator have been obscured by the presence of competing sub-cultures.

But in Burns's book these problems are overshadowed by the need to identify, relate with, analyze and position the nine power brokers. Instead of focusing on the problems of culture—it is significant that neither Lionel Trilling nor Raymond Williams is ever referred to—we get a form of group therapy, a concern with the psycho-biographies of cultural managers. Are they, asks Burns, artists manques, who but for a stroke of luck (or a different set of values), might have been painters or novelists themselves? Or are they fundamentally different from artists? Is their urge to control, direct and organize exclusive to their profession or do they share it with others?

There is too much variation and too much individuality to produce a single answer, but more problematic is the concentration on this question. If career patterns and personality traits form the book's true subject, then the decision not to interview practicing artists would seem to be a mistake. We get only generalizations and individual comments about artistic creativity to contrast with the specific details provided by the interviewees; the juxtaposition is fair to neither group. Burns concludes that managerial success "came by virtue of personality more than from the force of ideas," and that the keys to organizational victory lay in commitment and participation. Ultimately the interviewees are technicians; content mattered little to them. But while all this, in the author's view, separates them from artists, it might not necessarily do so in the reader's mind. Since we lack a consistent or convincing picture of artistic achievement, or a consideration of what affluence or at least expansion has done to it, the awkward embrace includes only one partner, something like Hamlet without the prince. As a portrait of American cultural leaders, and as a series of personal comments about the life of our cultural institutions Burns's book is an able expense of energy; but as an ordering of the

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relationship between the arts and these institutions, it is not convincing.

Neil Harris

Neil Harris is professor of history at the University of Chicago. His first book was *The Artist in American Society* (Braziller).

The Classic
by Frank Kermode

(Viking; $7.95)

The subtitle of Frank Kermode's new book is *Literary Images of Permanence and Change*, which modestly describes the tensions that generate the remarkable energy of this highly original study. The old conception of classic, Kermode argues, is tied to Virgilian attitudes of empire and eternity; the modern use of the term embraces change, plurality and secularization. *The Classic* brilliantly mediates between the two views of literature and culture.

"There are, to speak very broadly," Kermode observes, "two ways of maintaining a classic, of establishing its access to a modern mind. The first depends on philology and historiography—it asks what the classic *meant* to its author and his best readers, and may still mean to those who have the necessary knowledge and skill. The second is the method of accommodation, by which I mean any method by which the old document may be induced to signify what it cannot be said to have expressly stated. The chief instrument of accommodation is allegory, if we use the word in a sense wide enough to include prophecy."

The author takes Virgil as the "still point of the tradition" and shows his impact on writers from Dante to Milton and Marvell to Pope and Arnold to Eliot. Milton and Marvell differed markedly in their interpretations of history. Marvell amended the myth of the imperial classic through a "secular and modern wit"; Milton, on the other hand, abandoned the myth for a "Hebraic or Scriptural alternative." The Augustan writers diluted the myth even though they did everything possible to perpetuate it: the imperialist urge had little place in 18th-century England. In the Renaissance the writer looked outward, beyond the British Isles; in the next century, inward to the society within the nation's borders. Hence to a critic like Eliot the classicism of the age smacks of narrowness and provincialism. Kermode sympathizes with this point of view: for him the Augustan period was "the classical age that produced no true classic," only imitations of classics.

In considering American culture and its literature Kermode persuasively argues that the "imperial confidence" of the United States has been a blend of Roman imperialism and "Danielic and New Testament apocalyptic prophecy" that rested "on the conviction that the truth of religion and of the old civilization had been transferred to the new world." As Americans became more and more embroiled in futurism they evolved the typological approach to history and literature. In a superb reading of *The House of the Seven Gables* the critic shows how Hawthorne transformed the Puritanism of Cotton Mather and Jonathan Edwards (as it was modified by Emerson's transcendentalism) into a consciously modern fiction. Hawthorne's deliberate ambiguity and complexity mean that "the reader must take his share," as Kermode demonstrates, "in the making of it." Such is the significance of new world art come of age. In Hawthorne allegory partakes of history and prophecy. "Unlike the old classic, which was expected to provide answers, this one poses a virtually infinite series of questions."

One is left, therefore, with a radically new mode of literature whose meaning cannot be confidently gauged once and for all. In his concluding chapter Kermode considers a modern classic, *Wuthering Heights*—first in terms of his own "unassisted" reading of the work, then in response to the large body of criticism that has been written about the novel. He jousts with Q. D. Leavis, replying to her prescriptive interpretation: "however we set about our reading . . . we must fall into division and discrepancy. . . . We now see that the book, as James thought novels should, truly 'glories in a gap,' a hermeneutic gap in which the reader's imagination must operate so that he speaks continuously in the text."

The critic's argument is affected by his sense of changing cultural and esthetic values and by his reading of contemporary criticism, especially in the structuralist vein. He accordingly decides that the very openness and "naivete" of a text are essential to its endurance, and he concludes that strong evidence exists for "regarding the text as the permanent

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locus of change." Therefore the classic in our day is seldom preserved by the archeological efforts of philologists who would reconstruct its original meaning: instead it survives by virtue of its diversity and plurality.

Kermode mediates between the two points of view, ancient and modern, absolute and relativistic, by observing that "the survival of the classic must therefore depend upon its possession of a surplus of signifier; . . . it must always signify more than is needed by any one interpreter or generation of interpreters." His most convincing evidence to support this point may be found in his consideration of *King Lear*, "Survival of the Classic" (1971). There he remarks that scholars alone do not make classics, and that to satisfy a wide range of expectations in given periods a classic must be "susceptible to an indefinite number of physics." It may well have "a chaos of potentialities which, without sacrificing its secrets, can satisfy the demands which are rightly made of all texts whose expectation of life is that of the culture itself." The classic earns and maintains its status by being an image of civilization. When it loses that force, that potentiality of value, its authority is vitiated.

At the present time, when the post-modern age is fraught with anxiety and is groping fitfully toward its cultural definition, it is hard to imagine a more propitious moment for the publication of this closely argued and clearly articulated essay. It rests upon formidable learning and no less impressive dialectic. One might enter a cavil here and there, but it would be bootless in the face of such a masterful discharge of the critical office. *The Classic*, a study written in direct response to T.S. Eliot, would have convinced the Old Imperialist himself.

George Core

George Core is editor of the *Sewanee Review*.

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Thank God We Kept the Flag Flying by Kenneth Griffith

(Viking; $15)

Ladysmith, a small town in South Africa's Natal province, is "still strangely British in atmosphere," says author Kenneth Griffith. The past seems of greater loom than the present. There, in that remote town perched on a neck of land thrusting between the Orange Free State and the Transvaal, 13,500 British and colonial troops withstood siege from November 2, 1899 to February 28, 1900. They were penned in the hill-ringed town by a much smaller force of Boers—those tough "burghers" and farmers who had fought Britain in 1880 and won. They took up arms again when greed threatened to engulf the Dutch free states with "outlanders" digging gold and diamonds. Led by such dimly famed men as Oom Paul Kruger, Christian de Wet, Louis Botha, Martinus Steyn, the Boers tried first conciliation, then even desperate compromise, and at last shocked the world with an ultimatum to the British Lion—cease exploitations, pull back troops from the free state borders, negotiate for commercial and political agreement in earnest, or face war.

Too long at the top of power, too long accustomed to the role of "God's Almighty," Britain would not truckle to foreign outrage. War the Boers would get.

But the Boers were closer and in greater numbers to the obvious theater of war than the British. Cape Colony and Natal, English domains, were thinly held by scattered garrisons. Boer cavalry—those highly mobile commandos that were really galloping field armies—swiftly carried war into English ground, and almost before Whitehall or the "Widow of Windsor" grasped the event, Cecil Rhodes himself was trapped with his diamonds in Kimberley. Mafeking, too, was besieged. In Natal a small column under venerable Sir George White VC stood as the only important British force in the field. With misplaced zeal he led his men boldly against the burghers in the early days of war, only to suffer defeat and entrapment in Ladysmith.

That small place suddenly became a kind of jewel of Empire. There huddled men from all of Britain in a struggle to sustain some purpose someone in London must have understood.

Sieges have a curious fascination. The besieged touch deep currents of public hope, sympathy, dread. Ladysmith had the added virtue of symbolism—if it fell the war might be lost. And a second lost African war could not be tolerated in late Victorian England. So England rallied for Ladysmith. Much of Europe and America cheered for the Boers.

To South Africa, especially to Natal, went Gen. Sir Redvers Buller, also VC, doughty, phlegmatic soldier of many campaigns, at the head of a great gathering corps. He and his men must put South Africa properly into English sway.

Kenneth Griffith's book is about Ladysmith, the Boers, Generals White and Buller, very much about them. Its fascination lies in the glacial coming together of all these parts, and in what happened at convergence. But its compulsion comes from a glistening theme transcending place and protagonists—the theme of courage. Griffith is a man of the theater, a Welshman at that, whose sense of drama is heightened by years of interest in the Second Boer War. Drawing on his large personal collection of memorabilia and documents on the war, he writes history as the reminiscence of participants—participants who say as much as he does.

Officers, civilians, war correspondents—including ubiquitous Winston Churchill—recount what they see and do. But one chorus rises above the rest in the words of plain soldiers. From countless letters and diaries and news accounts the soldiers talk of home and hope, living and dying, of African freedom, the queen and their countries in the lasting eloquence of courage.

Griffith's careful neutrality slips sometimes toward the Boers—they were the underdogs, finally—and he sees special virtue in the selflessness of volunteers. Tommy Atkins looks like a mercenary by comparison. But to my

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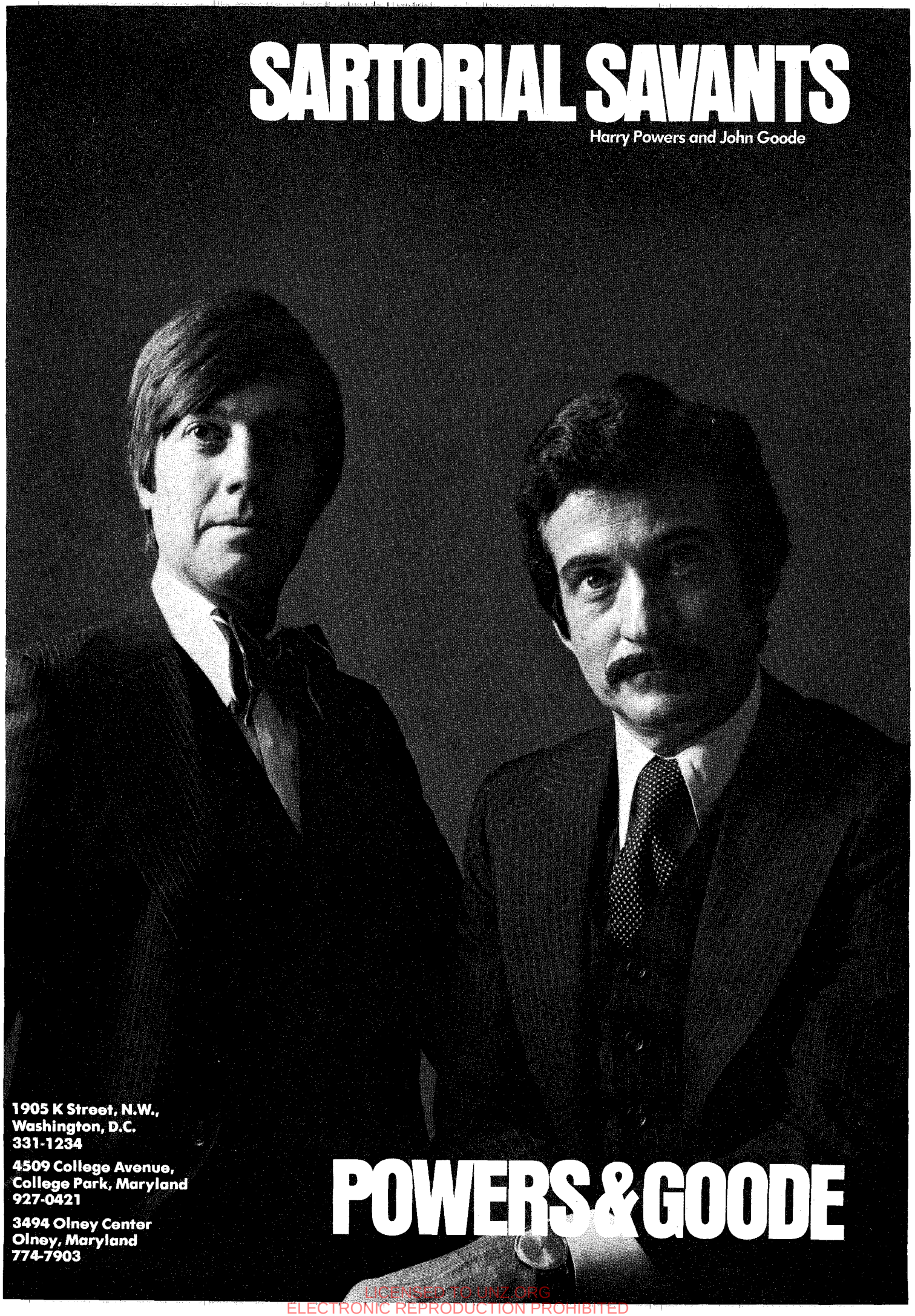
Harry Powers and John Goode



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reading, Tommy overcomes. For the Queen's shilling—that was a day's pay—he suffers addled commanders, stupid plans, confused battles in the finest traces of devotion. Victorian patriotism—a special thing—sends him against Spion Kop, Colenso, Inniskilling Hill, across the Tugela River, and at long last into Ladysmith. That same attraction keeps him in the town, starving, bombed, battered, but dogged until at last his comrades come to the rescue. Sir George White said, when the siege lifted: "I thank God we have kept the flag flying." Tommy understood.

Read this book for the whole story of the war, for battles, squalor, woe, for the shabby trappings of imperialism—but read it too for human faith. It has a haunting truth.

Frank E. Vandiver

Frank E. Vandiver, a military historian, is provost of Rice University.

Reconsideration

The Sheltering Sky by Paul Bowles

(New Directions; $2.75 paper)

An American couple looking for authentic experience travels to North Africa. Both the man and the woman are rootless, insulated from life by their refusal to stay anywhere long enough to become attached. They are *voyeurs* of the human condition, sustained by the hope that the next sensation will be real, the next town truly unspoiled. When they have pushed into the Sahara beyond the last telegraph office and the last doctor, the husband, Port, contracts typhoid and dies. His wife, Kit, becomes almost catatonic with shock. She wanders into the desert and is picked up by Belqassim, the master of a desert caravan. Gradually her whole life becomes focused on their sexual encounters. The jealousy of Belqassim's three wives, however, forces her out of his house. She is identified and flown by the American Consulate to Casablanca. Still crazed, she escapes from her guardian and disappears into the Casbah.

Paul Bowles is not a one book author, but *The Sheltering Sky*, published in 1949, stands head and shoulders above his other work. For that matter it stands head and shoulders above most other novels published in English since World War II. The story is brilliantly told against the vast, shimmering, desolate space of the desert, that contains and dominates the action. It is a metaphor without an object. Like a dream, it takes on different meanings depending on the drifting emotions of the characters.

Civilization is the most obvious villain of the novel. It has driven a wedge between the minds and the instincts of the characters. If this is the recurrent theme of pastoral, *The Sheltering Sky* is a savage pastoral. Its characters do not long for gardens but for a life reduced, like the desert landscape, to its primary elements—to the bedrock realities of food, sex and death. The problem, Bowles seems to be saying, goes deeper than the discontents of city life or technology or class conflict. Its roots are consciousness itself and the vehicle of consciousness, language. Only when she becomes an animal so traumatized that she cannot think, enslaved by the sexuality of a man whose language she cannot understand, is Kit at peace with herself. This is fulfillment as annihilation. It is familiar in the literature of mysticism and is a recurrent theme in the novels of D.H. Lawrence, who shares with Bowles a fascination with the idea of annihilation through sense experience. It should be added that Bowles pares the idea to its essential and strips it of the sentimentality that softens much of Lawrence's work.

When he wrote *The Sheltering Sky* Bowles was under the influence of Albert Camus. He apparently learned about North Africa from Camus, and his travelers are aliens in their world in the manner explored by Camus in *L'Etranger*. The existential sense of rational life as anguish, of consciousness as a thin wire stretched between death and animal instinct, is as powerful in *The Sheltering Sky* as the desolate infinity of the desert. The characters are constantly struggling against the cage that their minds have built around them. They drift from hallucinations and dreams into self-consciousness and back. Raw experience, however, never dominates the novel. Existentialism apparently provided the intellectual framework that Bowles needed to control the irrational elements in his design. The moment does not recur in later work. Increasingly the later novels and short stories tend to be transcripts of altered states of consciousness, usually induced by drugs.

Near the beginning of *The Sheltering Sky* an Arab courtesan tells the story of three girls who went to drink tea in the desert. They walked from dune to dune in search of the best possible view.

> *Aïcha says, "Look! There's the highest dune of all. We can see to Tamanrasset. That's where Targui lives." The sun came up and they kept walking. At noon they were very hot. But they came to the dune and climbed and climbed. When they got to the top they were very tired and they said, "We'll rest a little and then make tea." But first they set out the tray and the teapot and the glasses. Then they lay down and slept. And then "—Smaïl paused and looked at Port—"Many days later another caravan was passing and a man saw something on the top of the highest dune there. And when they went to see they found Outka, Mimouna and Aïcha; they were still there, lying the same way as when they had gone to sleep. And all three of the glasses," he held up his own little tea glass, "were full of sand. That was how they had their tea in the Sahara."*

The parable is the plot of *The Sheltering Sky* in miniature. It is like prophecy in the story of Oedipus. The characters are shown being drawn to their destiny in spite of themselves. Their conscious efforts to escape merely advance the process. This has its fascination not because it is horrifying but because it touches on a powerful subconscious wish to be dominated, to be released from responsibility, to be destroyed without dying, to move past the world of consciousness into whatever lies behind the sheltering sky. One is reminded here not only of *Lady Chatterley's Lover* but also of *Les Liaisons Dangereuses* and *The Story of O*.

Why, in spite of its use of themes that are common in modern literature, does *The Sheltering Sky* continue to seem

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exceptional 30 years after its publication? The big headlines during this period were made either by novels dealing with social issues like class or race, or by long, introverted novels in the tradition of Joyce. By contrast *The Sheltering Sky* is a well-made novel. It begins as a brilliantly executed artistic design and ends with personal rather than social experiences. Evidently, in describing Kit and Port, Bowles is describing his readers. The feeling that life is a game that has been lost but must be played out to the end, that consciousness is an overwhelming burden, that we are aliens in our own world goes deep into the modern psyche. The work of the Soviet dissidents suggests that it may be as common in the Socialist world as in the West. *The Sheltering Sky* defines a limit that is precisely the limit against which modern society is pushing. In the old canonization ceremony, an *advocatus diaboli*—a devil's advocate—was considered necessary to plead the case against sainthood. Paul Bowles is a brilliant *advocatus diaboli* against the chances for success of the modern experiment. He articulates doubts that we have all felt at one time or another. He remains important because he shows us an aspect of life that is part of us whether we admit it or not.

O.B. Hardison, Jr.

O.B. Hardison, Jr. is director of the Folger Shakespeare Library.

The Back of the Book

Frederick Wiseman's "Welfare"

First we see the white man, a vet in his 50s, steadily belligerent as he defends his use of the word "nigger." We do not see the young black man yet, and though we hear his voice, are not certain that he is black until the camera backs up to include him. The young man is calm and reasonable with the vet, who clearly has a screw loose. They talk about the wars in which they fought. The black man says, "I put my life on the line for a country I do not have." But it is the vet who claims to have been driven from his country by the blacks. "Remember that a minority started this country," the black man tells him, as the angle widens again to reveal that the black man is a cop. We begin to shift from contempt to pity for the vet who now displays the side of his head, shaved for recent surgery. At the end of the conversation the cop says "it was nice talking to you" sarcastically, but in his tone there is a touch of the fact that in a crazy way these two have enjoyed each other's company.

"Welfare" will be shown by the Public Broadcasting Service on the evening of September 24.

Wiseman's method in this scene is one that he uses in at least four long interviews in "Welfare": we see one face, hear one voice, and form an opinion; but as the voice talks, another face enters the picture, more information accrues, and our opinion changes. Because we were riding high with the first opinion, a change of attitude is upsetting, particularly since we acknowledge that we formed the first judgment without all the facts. Yet when the segment stops we know, merely from this experience, that we still do not have all the facts. We wind up silent and confused, precisely as Wiseman would have us.

The scene between the black cop and the white vet is technically a digression in "Welfare"; unlike every other conversation in the film it has nothing directly to do with men and women on both sides of a bureaucracy, seekers and givers. In fact, however, it is the central episode of this nearly three hour film, both in time and theme. We have two men on opposite sides of a quest; one lucid, one befuddled; one secure, one destitute; the young one in authority over the old—and both dealing in their ways with a life-death issue. But the words of one man mean nothing to the other. Their language is noise, no different (except in tonal clarity) from the persistent cries and whispers in the background of the welfare office. When the men part, they have only confirmed each other's existence.

From the Jefferson Memorial Lectures at Berkeley

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Wiseman is not simply telling us that this is the state of the Welfare Department. In fact, a fact he allows, sometimes the system may work; a person may actually get what he seeks, and what he seeks may actually be worthwhile. But the terror here—of language gnarled and buckled up; of sages become thieves; of mothers made into liars for shoes, and lovers for drugs; of paper paper paper paper paper (the cry of a man plucking forms from his pocket like a tricked magician); of notarized letters confirming your claim that no one on earth will be responsible for you—all that and more yet is what "Welfare" is up to.

The film begins with a lie: "okay, okay, okay," repeated by unsorted voices. Yet clearly the man self-identified as an Indian who cannot cash a check without his ID card that he cannot be awarded without the approval of SSI because "Waverly [the local office] is not responsible," is not okay. Neither is the young white couple nodding like the druggies they may still be, who have come for "Emergency" help. The woman interviewer asks the man who once made good money what he spent it on: "It's true you're an emergency, but every aspect of your case has to be gone into." The woman applicant says she's an epileptic, so she can't work. And her mother tells her to "go hang yourself—sleep in a jail."

"You're just living together; you're not *mar*-ried." No, not to each other; but then the woman tells us that she's still married to someone else. Long gone, she suggests. But she's seen him recently, both she and Larry (the man) have seen him. Remember Larry—when you were with your wife? What's this about a wife; you wrote that you were single, says the interviewer. I am, says Larry, shooting a you-stupid look at his woman who apologizes to Larry and the interviewer; I'm hungry, I don't know what I'm saying. Larry is probably lying. They both are, but about what? And what if we knew? The interviewer gives them a check for "Housing." The couple smile toward each other in happy relief.

Lies. Here the department interviewer first plays the heavy, then a saint; more lies still. The interviewers are no less confused than the applicants, and are as prone to cover up for their own convenience. Some switch roles with the applicants, seeking something from *them*—forgiveness, or nonblame, for the rules they administer. Many either pass the buck to "tomorrow morning" or a "Fair Hearing" procedure that takes weeks to set up; or to 39 Broadway, as mysterious as *The Thirty-Nine Steps* that upon repetition grows to the size of Oz in our imaginations—a place where things either were messed up originally (the wrong address, the wrong form) or where all will be set right.

One young tough-minded, attractive white woman supervisor is the most memorable of the staff because she does not pass the buck. Standing up to an equally young, tough-minded, attractive black woman, she is clear in her explanations of procedures. Her antagonist is just clearly defying the "run-around." The supervisor claims virtue by observing that the black woman is yelling while her own voice is steady. "Why should *you* yell?" asks her antagonist logically. They flare up and a Spanish cop is summoned to evict the black woman. But he wants to play marriage counselor, and by trying to adjudicate the fracas, intensifies it. He calls for the supervisor, but the woman *is* the supervisor, though she does have a superior, who enters. The superior is inept. For one terrible second we see in the eyes of the woman supervisor the recognition that the Spanish cop was appealing not to authority, but to male authority, that indeed she may be closer in spirit as well as predicament to her antagonist than to her co-worker. Everyone tells everyone else to lower his voice; the main problem becomes a question of decibels.

Interview after interview goes basically like this. People who look like us stand nose to nose arguing over, explaining or evading questions of where to sleep, what to eat. Yet rarely do the questions—and the number of questions is infinite—get down to bed and board. Instead people talk of checks—more paper—as if their possession alone would keep you breathing. This against the quick shots of steel desks, steel file drawers and steel barricades to keep interviewers and applicants in their proper places. "Come on, people," says someone accidentally invoking Eliot; "please move down."

Wiseman's art in such scenes is deliberate, and sometimes overwrought. The following exchange over an applicant could come from Pinter, or from Sid Caesar if you're in the mood:

"It looks as if she's a conversion case."

"Yes, she is a conversion case."

It's not the fact that this conversation actually occurred that saves it from melodrama—real or imagined, as art it still sounds false. To cite Wiseman's overdoings as intentional is not to excuse them either. But this is a separable question from fairness to subject, that Wiseman is often accused of lacking.

For one thing, Wiseman should feel no compulsion whatsoever to be fair to his subject, any more than Zola felt the need to be fair in *Germinal*. For another, however, Wiseman *is* fair to his subject. He does not say that only the applicants are frustrated; he does not say that only the suppressed have passions; he often shows us that the rules sound crazy, but so do the applicants; and not all the rules are crazy, and not all the staff is chicken or out of control. One person could see this film as a demand for welfare reform, another as an attack on the welfare state. Wiseman's subject, as ever, is modern American life, and he is as fair to that as it deserves.

I will remember three scenes from "Welfare" for a long time. The first is a young white woman in a phone booth, relating the experience of her interview to an unspecified someone at the other end. Articulate, exasperated, she avers, "I *told* her that I have no friends." The second is a black staff member, also articulate, furious, complaining to a colleague about not being promoted to some post when she had seniority, and shouting out, to establish her qualifications, the abstract titles of college courses she has taken, such as "Juvenile Delinquency."

The third is Mrs. Johnson, the conversion case, whom we see at first, as we do the young couple and the white vet: face front, a beautiful young black face with great plaintive eyes, in tears because the check doesn't come. Her bureaucratic interviewer wants to get rid of her, says that she should be taken care of by Social Security. He reads an address from a form, the wrong address, but the right name, Valerie Johnson: "*That's* me, *that's* me." But still the bureaucrat says come back in the morning; "we're going to have to send you to 'Reception.'"

Suddenly Mrs. Johnson's two grown daughters appear at her side. Grown daughters? Of this young sad-eyed woman? The three talk at once, gesturing in different directions like a parody of the Supremes. One daughter defends

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the bureaucrat, who is only "doing his job." "Valerie, Valerie, Valerie, Valerie," they say, trying to calm their mother whom they seem to talk of as crazy. Crazy? Only a moment ago Mrs. Johnson seemed so rational. The young mistreated woman has become the crazy old dame; or is it the other way 'round?

There is more to Wiseman's brilliant film than this: spots of wisdom from the mouths of babes; surprise reappearances and twists of fortune; and throughout, functioning as a musical score, the ice ages of waiting for one's number to be called. For silence and confusion, however, let me recommend the sight of Mrs. Johnson in the final seconds of her part, staring at her children in their impertinence and her bewilderment.

Roger Rosenblatt

Correspondence

Passionate Hatred

To the editors:

I concede David Sanford the right to publish all the anti-Nader diatribes he wishes. But when his latest polemic masquerades as a review of my book, I strenuously object to his sense of ethics.

Sanford's "review" (*TNR*, August 30) is no such thing. He is so blinded by his passionate hatred of Nader that the book is given only incidental attention.

During one of his lapses when he turns his attention from the subject of the book to the book, Sanford complains that 30 to 40 percent of the book is not about Nader at all.

A person of ordinary perception might divine from the title, *Nader and the Power of Everyman*, that the subject was broader than just Ralph Nader. The significance of the title having escaped David Sanford, there is little wonder that he doesn't understand the book.

Nor does he—or *The New Republic*—understand much about conflict of interest. Otherwise the book would have been reviewed by someone other than the author of a forthcoming book about Ralph Nader.

Hays Gorey
Time *Magazine*
Washington, DC

David Sanford replies:

One needn't be a passionate Nader hater to criticize him. And admirers don't have to be press agents. But as James Fallows, who writes with the bias of a former Nader employee, said in his *New York Times* review of the Gorey Nader, "it has Authorized Biography written all over it." I tried in my review to suggest the limits of Hays Gorey's perceptions by including material about Nader that Gorey either missed or dismissed as inconsistent with his conventionally adoring view of Nader.

Is the sole function of reviewing to paraphrase (and praise) a book? I made no complaint at all that Gorey used Nader to launch himself into a discussion of Nixon and Watergate. As the author of Maureen Dean's forthcoming "autobiography," Gorey may know as much about Watergate as he does about Ralph. I think nevertheless that *Nader and the Power of Everyman* fails in its own terms and is not the "complete account of Ralph Nader" that it purports to be. If the case were otherwise I think I could have risen to the task of saying so, my own openly stated writing ambitions notwithstanding.

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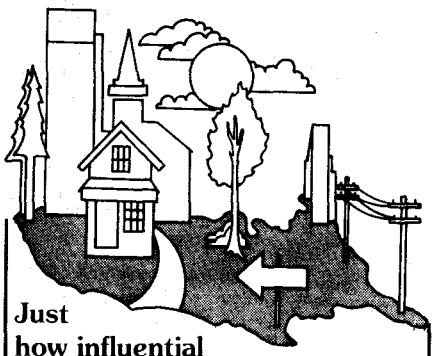

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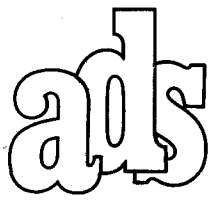

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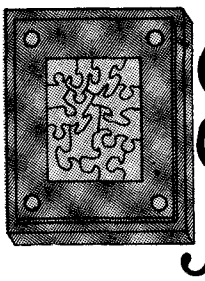

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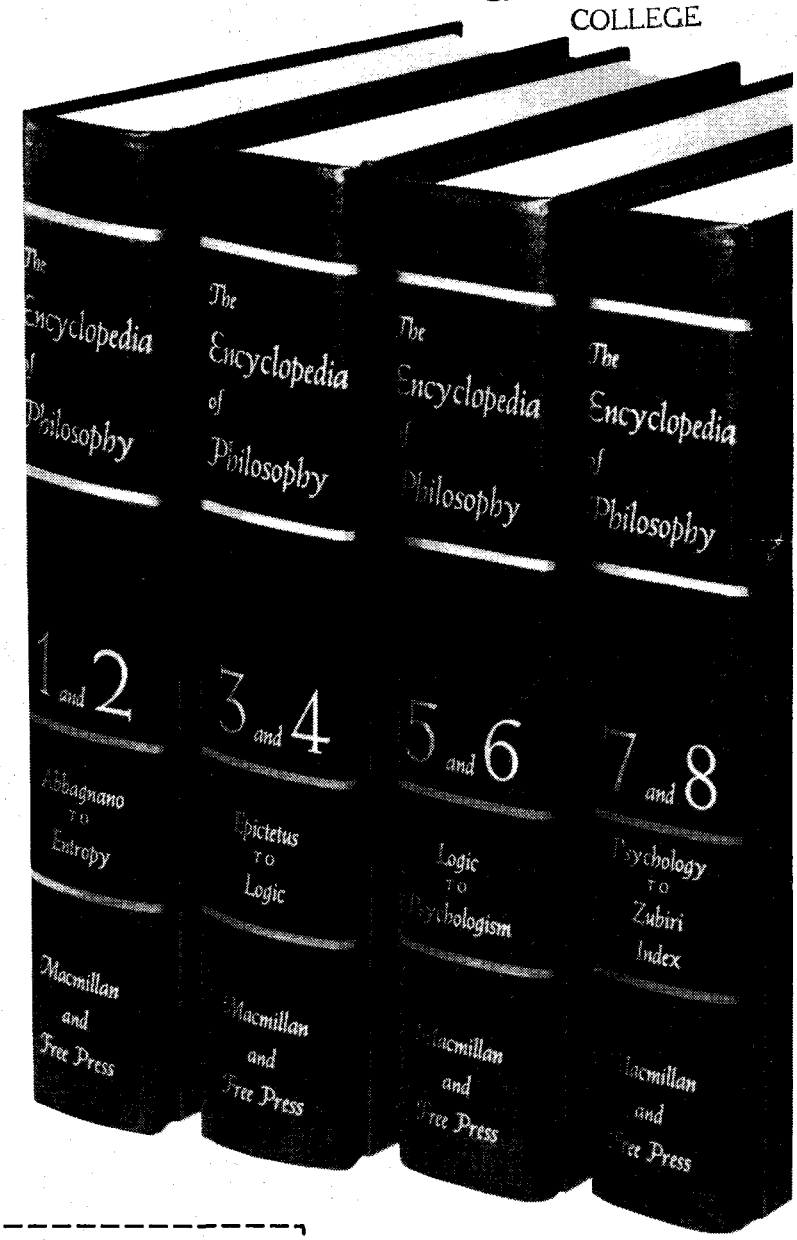

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